

भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

० 49]

नई दिल्ली, शनिवार, दिसम्बर 7, 1974/अग्रहायण 16, 1896

No. 49] NEW DELHI, SATURDAY, DECEMBER 7, 1974/AGRAHAYANA 16, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गये सार्वजनिक आदेश और अधिसूचनाएँ

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

आदेश

ORDER

नई दिल्ली, 11 नवम्बर, 1974

New Delhi, the 11th November, 1974

का० प्रा० 3186.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिये साधारण निर्वाचन के लिये 121-कस्बा निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री महानन्द सिंह, ग्राम एवं पो० कस्बा, जिला पूर्णिया लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार द्वारा दिये गए अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण से निर्वाचन आयोग एतद्वारा उक्त श्री महानन्द सिंह को समस्त के किसी भी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की अवधि के लिये निर्वाचित घोषित करता है।

[सं० बिहार-वि०स०/121/72(147)]

(3453)

S.O. 3186.—Whereas the Election Commission is satisfied that Shri Mahanand Singh, Village & P.O. Kasba, District Purnea who was a contesting candidate for election to the Bihar Legislative Assembly from 121-Kasba constituency held in March, 1972 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahanand Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/121/72(147)]

आदेश

नई दिल्ली, 15 नवम्बर, 1974

क्र.प्र. 3187 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिये साधारण निर्वाचन के लिये 23-कुचाय-कोट निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री श्याम नन्दन प्रसाद, ग्राम एव पोस्ट रामपुर टेगराही, जिला मारण, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री श्याम नन्दन प्रसाद को संसद के किसी भी सदन के या किसी भी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं. बिहार-वि०सं०/23/72(148)]

ORDERS

New Delhi, the 15th November, 1974

S.O. 3187.—Whereas the Election Commission is satisfied that Shri Shyamnandan Pershad, Village & P.O. Rampur Tengrahi, District Saran who was a contesting candidate for election to the Bihar Legislative Assembly from 23-Kuchaikote constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shyamnandan Pershad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/23/72(148)]

क्र. प्र. 3188.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 को हुए मणिपुर विधान सभा के लिए निर्वाचन के लिए 28-थांगा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ओईनाम लुखोई, थांगाचिंगखा लईकई, थांगा, बिसेनपुर उपखण्ड (मणिपुर), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं

दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ओईनाम लुखोई को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. मणि-वि०सं०/28/72]

S.O. 3188.—Whereas the Election Commission is satisfied that Shri Oinam Lukhoi, Thanga Chingkha, Laikai, Thanga, Bishanpur Sub-Division (Manipur) a contesting candidate for general election to the Manipur Legislative Assembly held in March 1972 from 28-Thanga constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Oinam Lukhoi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MR-LA/28/72]

क्र. प्र. 3189.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए असम विधान सभा के लिए निर्वाचन के लिए 50-बारपेटा क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोकुल पाठक, पो० बारपेटा, ग्राम गनककुची (कनारामन्रज), जिला कामरूप, असम लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोकुल पाठक को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. असम-वि० सं०/50/72]

S.O. 3189.—Whereas the Election Commission is satisfied that Shri Gokul Pathak, P.O. Barpeta, Village Ganakkuchi

(Kanara, Satraj), District Kamrup, Assam a contesting candidate for general election to the Assam Legislative Assembly held in March, 1972 from 50-Barpeta constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gokul Pathak, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA50/72]

प्रादेश

नई दिल्ली, 19 नवम्बर, 1974

का० प्रा० 3190—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए असम विधान सभा के लिए निर्वाचन के लिए 49-पटाचार कुची निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिमोहन दाम निज सारिहा, पो० पटाचार कुची, जिला कामरूप, असम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनाशक गण नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरिमोहन दाम को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[न० असम-वि० सं०/49/72]

New Delhi, the 19th November, 1974

ORDERS

S.O. 3190.—Whereas the Election Commission is satisfied that Shri Harimohan Das, Village Niz Sariha, Post Office Patachar Kuchi, District Kamrup (Assam) a contesting candidate for general election to Assam Legislative Assembly held in March, 1972 from 49-Patachar Kuchi constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Harmohan Das to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA/49/72]

का० प्रा० 3191.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 203-पुनपुन निर्वाचनक्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नरेश मांझी, ग्राम दनारा, पो० दौलतपुर, जिला पटना लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनाशक गण नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नरेश मांझी को संसद् के किसी भी सदन के या किसी राज्य की विधानसभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/203/72(150)]

S.O. 3191.—Whereas the Election Commission is satisfied that Shri Naresh Manjhi, Village Danara, P.O. Daulatpur, District Patna who was a contesting candidate for election to the Bihar Legislative Assembly from 203-Punpu constituency held in March, 1972 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Naresh Manjhi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/203/72(150)]

का० प्रा० 3192.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए असम विधान सभा के लिए निर्वाचन के लिए 59-गोहाटी पश्चिम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिदाम देगा, डा० जे० सी० दास रोड, धाकघर गोहाटी-1, (असम) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनाशक गण नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरिदाम देका को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० असम-वि०सं०/59/72]

S.O. 3192.—Whereas the Election Commission is satisfied that Shri Haridas Deka, Dr. J. C. Das Road, Post Office Gauhati-1 (Assam), a contesting candidate for general election to Assam Legislative Assembly held in March, 1972, from 59-Gauhati West constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Haridas Deka to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AS-LA/59/72]

आदेश

नई दिल्ली, 21 नवम्बर, 1974

का०आ० 3193—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 156-महागामा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जोहन हंसदा, ग्राम डकैतामाल, पो० महागामा जिला मंडाल परगना (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा लड़ने बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जोहन हंसदा को संसद् के किसी भी सदन या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० बिहार-वि०सं०/156/72(151)]

ए० एन० सैन, सचिव

ORDER

New Delhi, the 21st November, 1974

S.O. 3193.—Whereas the Election Commission is satisfied that Shri Johan Hansda, Village Dakaitamal, P.O. Mahagama, Santhal Parganas who was a contesting candidate for election to the Bihar Legislative Assembly from 156-Mahagama constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Johan Hansda to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/156/72(151)]

A. N. SEN, Secy

आदेश

नई दिल्ली, 15 नवम्बर, 1974

का.आ. 3194.—यतः, निर्वाचन आयोग का समाधान हो गया है कि अप्रैल, 1972 में हुए मिजोरम विधान सभा के लिये निर्वाचन के लिये 4-चावंगटे निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अरुण बिकाश, सुमसीलुई, बो०पी०आ०, चावंगटे, मिजोरम, लोक प्रतिनिधित्व अधिनियम, 1971 तथा लड़ने बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अरुण बिकाश को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० मिजो-वि०सं०/4/72(2)]

ORDERS

New Delhi, the 15th November, 1974

S.O. 3194.—Whereas the Election Commission is satisfied that Shri Arun Bikash, Sumsilui, B.P.O. Chawngte, Mizoram a contesting candidate for the general election to the Mizoram Legislative Assembly held in April, 1972, from 4-Chawngte constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri

Shri Bikash to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MIZ-LA/4/72(2)]

का.प्र. 3195.—यनः, निर्वाचन आयोग का समाधान हो गया है कि श्री, 1972 में हुए मिज़ोरम विधान सभा के लिये निर्वाचन के लिये 4-चावंगेट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रोलियाना, बी०पी०ओ० चावंगेट मिज़ोरम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रोलियाना को ससद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० मिज़ो०-वि० सं०/4/72(3)]

S.O. 3195.—Whereas the Election Commission is satisfied that Shri Roliana, B. P. . Chawngte, Mizoram, a contesting candidate for the general election to the Mizoram Legislative Assembly held in April, 1972, from 4-Chawngte constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Roliana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. MIZ-LA/4/72(3)]

का.प्र. 3196.—यनः, निर्वाचन आयोग का समाधान हो गया है कि श्री, 1972 में हुए मिज़ोरम विधान सभा के लिये निर्वाचन के लिये 4-चावंगेट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामखुमा, बी०पी०ओ० चावंगेट, मिज़ोरम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नद्वीन बनाए गए नियमों द्वारा अपेक्षित निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामखुमा को ससद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० मिज़ो०-वि० सं०/4/72(4)]

आदेश में,

श्री० नागसुब्रमण्यन, सचिव।

S.O. 3196.—Whereas the Election Commission is satisfied that Shri Ramkhuma, B.P.O. Chawngte, Mizoram, a contesting candidate for the general election to the Mizoram Legislative Assembly held in April, 1972, from 4-Chawngte constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramkhuma to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MIZ-LA/4/72(4)]

नई दिल्ली, 16 नवम्बर, 1974

का.प्र. 3197.—यनः, निर्वाचन आयोग का समाधान हो गया है कि मानें, 1972 में हुए कर्नाटक विधान सभा के लिये निर्वाचन के लिये 122-मोमबागपेट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री डी०एस० मंजुनाथ, मोमबागपेट, कुर्ग ज़िला, कर्नाटक, लोक प्रतिनिधित्व अधिनियम 1951 तथा नद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और यतः, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अतः, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री डी०एस० मंजुनाथ को ससद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० मिसूरु-वि० सं० 122/72]

श्री० नागसुब्रमण्यन, सचिव।

New Delhi, the 16th November, 1974

S.O. 3197.—Whereas the Election Commission is satisfied that Shri D S Manjunath, Somwarpet, Coorg District (Karnataka State), a contesting candidate for the general election held in March 1972 to the Karnataka Legislative Assembly from 122-Somwarpet constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And whereas the said candidate even after the due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure,

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri D S Manjunath to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No MY-LA/122/72]

V NAGASUBRAMANIAN, Secy

New Delhi the 21st November, 1974

S.O. 3198—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951, the Election Commission hereby publishes the judgment dated the 3 October 1974 of the Supreme Court of India in Civil Appeal No 1549(NCT) of 1973 filed by Shri Kanwar Lal Gupta against the Judgment dated the 19 May, 1972 of the High Court of Delhi in Election Petition No 2 of 1971

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 1549 OF 1972

Shri Kanwar Lal Gupta Appellant

Versus

Amar Nath Chawla & Ors Respondent

JUDGMENT

BHAGWATI, J.—The controversy in this appeal relates to the validity of election to the Lok Sabha from the Sadar Parliamentary Constituency in the Union Territory of Delhi. Eleven candidates originally offered themselves for election from this constituency but out of them, six withdrew their candidature with the result that only five remained in the field as contesting candidates. They were the petitioner and respondents Nos 1 to 4. The petitioner was put up as a candidate by the Jan Sangh, while the candidature of the first respondent was sponsored by the Congress, which at that time, on account of the split in the organisation, was known as the ruling Congress or the new Congress. Respondents Nos 2 to 4 were independent candidates. Though there were nominally five candidates, the real contest was between the petitioner and the first respondent. The polling took place on 5th March 1971 and the result of the poll was declared on 11th March, 1971. The petitioner secured 55305 votes, while the first respondent polled 98108 votes. The first respondent thus won by a large majority and was declared elected. The petitioner thereupon filed an election petition challenging the validity of the election of the first respondent on various grounds. The election petition was contested by the first respondent and, as the voluminous mass of record shows it was fought out to a bitter end with great industry and thoroughness on both sides. Mr Justice Andley of the Delhi High Court who heard the election petition, found in an elaborate judgment that none of the grounds on which the election was sought to be invalidated was established and he accordingly dismissed the election petition with costs. The present appeal preferred by the petitioner impugns this judgment of Mr Justice Andley

The election petition was based on numerous grounds which were summarised in paragraph 9 and subsequently elaborated in paragraphs 12, 14, 19, to 21 and 24 to 26. The ground set out in paragraph 12 was that the elector rolls, on the basis of which the election had been held, were imperfect and defective, and that vitiated the election. Paragraph 14 alleged the invalidity of the amendment in rule 56 of the Conduct of Election Rules 1961 and paragraphs 18 and 19 challenged the validity of the election on the ground that about a lac or more ballot papers, which had been chemically treated, were fraudulently introduced and that had materially affected the result of the election. The charge in paragraphs 20 and 21 was that the first respondent was guilty of corrupt practice, in that the first respondent, his election agent and other persons with his consent, including the first respondent, had printed and published a hand bill and a poster containing statements in relation to the personal character or conduct of the petitioner which were false and which the first respondent did not believe to be true, and which were reasonably calculated to prejudice the prospects of the petitioner's election. Paragraph 24 also charged a similar corrupt practice on the allegation that these statements were repeated by the first and the fifth respondents in public meetings as also during the course of canvassing. And lastly, it was alleged in paragraphs 25 and 26 that the first respondent had incurred or authorised expenditure in excess of the prescribed limit of Rs 10,000 in contravention of section 77 of the Representation of the People Act 1951. These were broadly the grounds on which the election of the first respondent was sought to be declared void by the petitioner.

Though the first, second and fifth respondents filed their respective written statements, the contest was only on behalf of the first and fifth respondents. The second respondent supported the petitioner, his support was however not of much value since he did not take any active part in the petition. Respondents 3 and 4 were obviously not interested in the petition and they did not even care to appear or file any written statement. The first and fifth respondents raised in their written statements certain preliminary objections and also denied the various allegations made in the petition and contested the grounds on which the petitioner claimed to set aside the election of the first respondent. We shall deal with the contents of these written statements a little later when we examine the specific charges levelled against the first respondent. Suffice it to state for the present that on the basis of the preliminary objections raised in the written statements, the learned Trial Judge framed four preliminary issues and they were decided by an order dated 6th August, 1971. So far as the first preliminary issue is concerned, the learned Trial Judge held that paragraphs 2, 12, 18 to 21 and 24 to 26 did not suffer from lack of concise statement of material facts, but they did not give full particulars of the allegations and he accordingly directed the petitioner to furnish further particulars with respect to paragraphs 18 to 21, 24 and 25 as specified in the schedule to the order. The second and the fourth preliminary issues do not survive for consideration they were decided against the petitioner and the petitioner does not challenge the decision in appeal. The third preliminary issue was decided in favour of the petitioner but it is now meaningless to discuss it because the petitioner is not pressing the ground set out in paragraphs 18 and 19 in support of the appeal.

Pursuant to the aforesaid order dated 6th August, 1971, the petitioner furnished particulars of the allegations contained in paragraphs 18 to 21, 24 and 25 by an affidavit dated 19th August, 1971. A reply to these particulars was given by the first respondent on 26th August, 1971. We shall have occasion to refer to these particulars and the reply made to them when we examine the arguments advanced on behalf of the parties.

The learned Trial Judge then framed issues on the merits by an order dated 3rd September, 1971. Issues 1 to 7 of these issues relate to the ground set out in paragraphs 18 and 19. It is not necessary to refer to them since they were decided against the petitioner by the learned Trial Judge and the correctness of this decision is not assailed on behalf of the petitioner in the present appeal. Issue 8 raised the question whether the first respondent, his election agent and other persons with the consent of the first respondent or his election agent committed the corrupt practices charged in paragraphs 20 and 21 and Issue 9 raised a similar question in

regard to the corrupt practices set out in paragraph 24. The question whether the first respondent incurred or authorised expenditure in excess of the prescribed limit of Rs. 10,000 in contravention of section 77 as alleged in paragraph 25, was put in issue in Issue 10. Issues 11, 12 and 13 raised certain subsidiary questions but it appears from the judgment of the learned Trial Judge that they were not pressed by the learned Advocate appearing on behalf of the petitioner before the Trial Court. We need not, therefore, spend any time on these issues. The last issue was issue 14 which was directed against the fifth respondent who was alleged to have committed corrupt practices.

There was enormous oral as well as documentary evidence led on behalf of both sides. This evidence discloses certain curious and unusual features to which we shall advert in very careful and thorough preparation of the case on either side. Not an inch of ground appears to have been conceded by one side to the other and every move in this long and bitter contest, from one side or the other, seems to have been well thought out and relentlessly pursued. The learned Trial Judge, on a consideration of the evidence presented before him, came to the conclusion that issues 8, 9 and 10 were not established by the petitioner and there was also no satisfactory proof in regard to issue 14 and accordingly, by a judgment dated 19th May, 1972 he rejected the charges of corrupt practices against the first and fifth respondents and dismissed the election petition with costs. The petitioner being aggrieved by the judgment of the learned Trial Judge preferred the present appeal under section 116A of the Representation of the People Act, 1951.

The petitioner assailed the correctness of the judgment of the learned Trial Judge only on issues 8, 9, 10 and 14. The judgment, in so far as it related to issues 1 to 7 and 11 to 13 was accepted by the petitioner and it is, therefore, not necessary to refer to the facts in so far as they bear on these issues. We shall confine ourselves only to such of the facts as are relevant to issues 8, 9, 10 and 14 and instead of setting them out in a narrative form before commencing discussion of the arguments, what we propose to do is to refer to the relevant facts while discussing each particular issue. We shall proceed in the order in which these issues were argued before us.

We first take up issue 10. The charge against the first respondent under this issue was that he incurred or authorised expenditure in excess of the prescribed limit of Rs. 10,000 in contravention of section 77 and thereby committed the corrupt practice defined in section 123(6) of the Act. Section 123 sets out various corrupt practices which have the effect of invalidating an election and one of them is the incurring or authorising of expenditure in contravention of section 77; vide sub-section (6). Sub-section (1) of section 77 provides that "every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive, while sub-section (3) says that "the total of the said expenditure shall not exceed such amount as may be prescribed". It was common ground between the parties that the expenditure prescribed for a parliamentary constituency in the Union Territory of Delhi was Rs. 10,000. The first respondent and his election agent were, therefore, prohibited by section 77 from incurring or authorising expenditure in connection with his election exceeding Rs. 10,000 and if the first respondent or his election agent incurred or authorised such expenditure in excess of Rs. 10,000, it would be a corrupt practice voiding his election under section 123(6). The question which, therefore, arises for consideration is whether the first respondent or his election agent incurred or authorised expenditure in connection with his election exceeding Rs. 10,000.

Now, before we proceed to discuss the evidence bearing on this question, we must clear the ground by pointing out that not only is the incurring of excessive expenditure a corrupt practice, but also the authorising of such expenditure, and authorising may be implied as well as express. Where the authorising is express, there is no difficulty in bringing home the charge of corrupt practice against the candidate. But a somewhat difficult question on facts may arise where the charge is sought to be proved against the candidate on

the basis that he impliedly authorised excessive expenditure. Whether a particular expenditure was impliedly authorised by the candidate must depend on the facts and circumstances of each case as appearing from the evidence adduced before the Court. This question would arise in a challenging form where expenditure in connection with the election is incurred, not by the candidate, but by the political party which has sponsored him or his friends and supporters. Can the limit on the expenditure be evaded by the candidate by not spending any moneys of his own but leaving it to the political party or his friends and supporters to spend an amount far in excess of the limit? The object of the provision limiting the expenditure is two-fold. In the first place, it should be open to any individual or any political party, however small, to be able to contest an election on a footing of equality with any other individual or political party, however rich and well financed it may be, and no individual or political party should be able to secure an advantage over others by reason of its superior financial strength. It can hardly be disputed that the way elections are held in our country, money is bound to play an important part in the successful prosecution of an election campaign. Money supplies "assets for advertising and other forms of political solicitation that increases the candidate's exposure to the public". Not only can money buy advertising and canvassing facilities such as hoardings, posters, handbills, brochures etc. and all the other paraphernalia of an election campaign, but it can also provide the means for quick and speedy communications and movements and sophisticated campaign techniques and is also "a substitute for energy" in that paid workers can be employed where volunteers are found to be insufficient. The availability of large funds does ordinarily tend to increase the number of votes a candidate will receive. If, therefore, one political party or individual has larger resources available to it than another individual or political party, the former would certainly, under the present system of conducting elections, have an advantage over the latter in the electoral process. The former would have a significantly greater opportunity for the propagation of its programme while the latter may not be able to make even an effective presentation of its views. The availability of disproportionately larger resources is also likely to lend itself to misuse or abuse for securing to the political party or individual possessed of such resources, undue advantage over other political parties or individuals. Douglas points out in his book called *Ethics in Government* at page 72, "If one party over attains overwhelming superiority in money, newspaper support, and (government) patronage, it will be almost impossible, barring an economic collapse, for it ever to be defeated". This produces anti-democratic effects in that a political party or individual backed by the affluent and wealthy would be able to secure a greater representation than a political party or individual who is without any links with affluence or wealth. This would result in serious discrimination between one political party or individual and another on the basis of money power and that in its turn would mean that "some voters are denied an 'equal' voice and some candidates are denied on equal chance". It is elementary that each and every citizen has an inalienable right to full and effective participation in the political process of the legislatures and this requires that each citizen should have equally effective voice in the election of the members of the legislatures. That is the basic requirement of the Constitution. This equal effective voice—equal opportunity of participation in the electoral process would be denied if affluence and wealth are to tilt the scales in favour of one political party or individual as against another. The democratic process can function efficiently and effectively for the benefit of the common good and reach out the benefits of self-government to the common man only if it brings about a participatory democracy in which every man, however lowly or humble he may be, should be able to participate on a footing of equality with others. Individuals with grievances, men and women with ideas and vision, are the sources of any society's power to improve itself. Government by consent means that such individuals must eventually be able to find groups that will work with them and must be able to make their voices heard in these groups and no group should be insulated from competition and criticism. It is only by the maintenance of such conditions that democracy can thrive and prosper and this can be ensured only by limiting the expenditure which may be incurred in connection with elections, so that, as far as possible, no one single political party or individual can have unfair advantage over the other by reason of its larger resources and the resources available for being

utilised in the electoral process are within reasonable bounds and not unduly disparate and the electoral contest becomes evenly matched. Then alone the small man will come into his own and will be able to secure proper representation in our legislative bodies.

The other objective of limiting expenditure is to eliminate, as far as possible, the influence of big money in the electoral process. If there were no limit on expenditure, political parties would go all out for collecting contributions and obviously the largest contributions would be from the rich and affluent who constitute but a fraction of the electorate. The pernicious influence of big money would then play a decisive role in controlling the democratic process in the country. This would inevitably lead to the worst form of political corruption that in its wake is bound to produce other vices at all levels. This danger has been pointed out in telling words in the following passage from the notes in Harvard Law Review, Vol. 66, p. 1260:

"A less debatable objective of regulating campaign funds is the elimination of dangerous financial pressures on elected officials. Even if contributions are not motivated by an expected return in political favours, the legislator cannot overlook the effects of his decisions on the sources of campaign funds."

It is difficult to generalise about the degree of influence which the large contributors may wield in shaping the policies and decisions of the political party which they finance. It is widely acknowledged, however, that at the very least, they would have easy access to the leaders and representatives of the political party. But it would be naive to suggest that the influence ends with mere access. It may safely be assumed that hardly any politicians "would consciously sell their votes", the result may be nearly the same, if one accepts Herbert Alexander's analysis of the subtle factors that influence a political party's actions:

"Many politicians—who do what they honestly think is right, never realize that they are mere spokesmen for their financial supporters. A legislator can avoid a conflict of interest by investing in government bonds, but he cannot change the conditioning that leads him to believe that what is good for his former company or present backers is good for the country."

It is likely that some elected representatives would tend to share the views of the wealthy supporters of their political party, either because of shared background and associations, increased access or subtle influences which condition their thinking. In such event the result would be that though ostensibly the political parties which receive such contributions may profess an ideology acceptable to the common man, they would in effect and substance be representative of a certain economic class and their policies and decisions would be shaped by the interests of that economic class. It was over a hundred years ago that John Stuart Mill observed that persons of a particular class who have exclusive governmental power, even if they try to act objectively, will tend to overlook the interests of other classes, or view these interests differently. And to this natural tendency may be added the fact that office bearers and elected representatives may quite possibly be inclined, though unconsciously and imperceptibly, to espouse policies and decisions that will attract campaign contributions from affluent individuals and groups. It was said of the electoral process in the United States of America: "Members of the Rockefeller and Du Pont families invest in the election of a Republican President because they sense that if that party takes over the White House, their interests will gain more sympathetic attention—" "The central objective of contributions is access to the power of the elected official—" "For a gift of a few hundred dollars an individual may gain, in return, the intercession of a Congressman that will get him a government contract or a tariff provision that will ultimately not him or his business tons of thousands of dollars." It is obvious that pre-election donations would be likely to operate as post-election promises resulting ultimately in the casualty of the interest of the common man, not so much ostensibly in the legislative process as in the implementation of laws and administrative or policy decisions. The small man's chance is the essence of Indian democracy and that would be stultified if large contributions from rich and

affluent individuals or groups are not divorced from the electoral process. It is for this reason that our Legislators, in their wisdom, enacted a ceiling on the expenditure which may legitimately be incurred in connection with an election. This background must inform the court in the interpretation of this vital and significant provision in the election law of our country.

Now, if a candidate were to be subject to the limitation of the ceiling, but the political party sponsoring him or his friends and supporters were to be free to spend as much as they like in connection with his election, the election, the object of imposing the ceiling would be completely frustrated and the beneficent provision enacted in the interest of purity and genuineness of the democratic process would be wholly emasculated. The mischief sought to be remedied and the evil sought to be suppressed would enter the political arena with redoubled force and vitiate the political life of the country. The great democratic ideal of social, economic and political justice and equality of status and opportunity enshrined in the Preamble of our Constitution would remain merely a distant dream eluding our grasp. The legislators could never have intended that what the individual candidate cannot do, the political party sponsoring him or his friends and supporters should be free to do. That is why the legislators wisely interdicted not only the incurring but also the authorising of excessive expenditure by a candidate. When the political party sponsoring a candidate incurs expenditure in connection with his election, as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it or participates in the programme or activity or fails to disavow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, save in special circumstances, that he impliedly authorised the political party to incur such expenditure and he cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure, but his political party has done so. A party candidate does not stand apart from his political party and if the political party does not want the candidate to incur the disqualification, it must exercise control over the expenditure which may be incurred by it directly to promote the poll prospects of the candidate. The same proposition must also hold good in case of expenditure incurred by friends and supporters directly in connection with the election of the candidate. This is the only reasonable interpretation of the provision which would carry out its object and intent and suppress the mischief and advance the remedy by purifying our election process and ridding it of the pernicious and baneful influence of big money. This is in fact what the law in England has achieved. There, every person, on pain of criminal penalty, is required to obtain authority from the candidate before incurring any political expenditure on his behalf. The candidate is given complete discretion in authorising expenditure upto his limit. If expenditure made with the knowledge and approval of the candidate exceeds the limit or if the candidate makes a false report of the expenditure after the election, he is subject not only to criminal penalties, but also to having his election voided. It may be contended that this would considerably inhibit the electoral campaign of political parties. But we do not think so. In the first place, a political party is free to incur any expenditure it likes on its general party propaganda though, of course, in this area also some limitative ceiling is eminently desirable coupled with filing of return of expenses and an independent machinery to investigate and take action. It is only where expenditure is incurred which can be identified with the election of a given candidate that it would be liable to be added to the expenditure of that candidate as being impliedly authorised by him. Secondly, if there is continuous community involvement in political administration punctuated by activated phases of well-discussed choice of candidates by popular participation in the process of nomination, much of unnecessary expenditure which is incurred today could be avoided. Considerable distances may not have to be travelled by candidates and supporters nor hidden skeletons in political cupboards tactically uncovered, propagandist marihuana skilfully administered, temptations of office strategically held out nor violent demonstrations dispassionately attempted. The dawn-to-dawn multiple speakers and monster rallies, the flood of posters and leaflets and the organising of transport and other arrangements for large numbers would become otiose. Large campaign funds would not be able to influence the decision of the electors if the selection and election of candidates become people's decision by discussion and not a Hobson's choice offered by political parties. Limiting election expenses must be part of the political process.

This view, which we are taking, does not run counter to any earlier decisions of this Court. The first decision to which we must refer in this connection is *Rananajaya Singh v. Baijnath Singh & Ors.*⁽¹⁾. There the corrupt practice charged against the elected candidate was that certain persons who were in employment of his father worked for him in connection with the election and their number exceeded the maximum number of persons who could be employed in connection with the election as specified in Sch. VI read with section 77. This charge was negated by a Bench of five judges of this Court. The Bench held that in order to attract the inhibition of the relevant sections, it was necessary that the employment of persons other than or in addition to those specified in Sch. VI should be by a candidate or his agent and since in that case, the persons who worked in connection with the election, were neither employed nor paid by the elected candidate or his agent, the prohibitory requirement of section 77 read with section 123(7) was not breached. It will be seen that this decision was concerned primarily with the question whether servants of the father of the elected candidate, who worked for the elected candidate in connection with the election, were liable to be taken into account in determining whether the maximum number of persons who may be employed for payment in connection with the election were exceeded. It is no doubt true that this Court observed that no expenditure was incurred by the elected candidate over and above what was shown in his return of expenses and he could not, therefore, be said to have concealed such expenditure, but that was obviously because these persons who worked in connection with the election were not paid by him. This Court had no occasion to consider whether the elected candidate could be said to have authorised any expenditure by knowingly taking advantage of the services of these persons, because no such argument was advanced before this Court. In fact such an argument could not plausibly be advanced because the salaries paid by the father to these persons were not for the purpose of working in connection with the election. The salaries were paid because they were servants in the regular employment of the father and it was merely at the request of the father that "they assisted the son in connection with the election which strictly speaking they were not obliged to do". This decision does not, therefore, run contrary to what we have said.

We may then refer to the decision of this Court in *Ram Dayal v. Brijraj Singh & Ors.*⁽²⁾. The question which arose for consideration in that case was whether certain expenditure incurred by the Maharaja of Gwalior and the Rajmata in connection with the election of Brijraj Singh was liable to be included in his election expenses. Shah, J., (as he then was) speaking on behalf of a Division Bench of two judges, pointed out that in the absence of any connection between the canvassing activities carried on by the Maharaja and the Rajmata with the candidature of Brijraj Singh, it is impossible to hold that any expenditure was incurred for Brijraj Singh which was liable to be included in election expenses. The learned Judge then proceeded to add:

"We agree with the High Court that under s. 77(1) only the expenditure incurred or authorised by the candidate himself or by his election agent is required to be included in the account or return of election expenses and thus expenses incurred by any other agent or person without any thing more need not be included in the account or return, as such incurring of expenditure would be purely voluntary." (Emphasis supplied).

These observations would show that mere incurring of expenditure by any other person in connection with the election of a candidate, without something more, would not make it an expenditure authorised by the candidate. But if there is something more which can reasonably lend itself to the inference of implied authorisation, particularly having regard to the object and intent of the provision limiting expenditure, the Court would readily draw such an inference because the paramount object of this provision is to bring about, as far as possible equality in availability of resources and eliminate the corrupting influence of big money. It is significant to note that in this case the Court proceeded to examine whether the evidence was sufficient to establish that Brijraj Singh travelled with the Maharaja in his helicopter and visited several villages for his election campaign and held that the evidence in this connection was not reliable. This inquiry would have been wholly unnecessary unless the Court was

of the view that if Brijraj Singh could be shown to have travelled with the Maharaja in his helicopter and visited several villages in connection with his election campaign, that would be sufficient to invest the expenditure incurred by the Maharaja with the character of expenditure impliedly authorised by Brijraj Singh. This decision, therefore, far from contradicting the view taken by us, actually supports it.

We find the same view taken by this Court in the subsequent decision in *Magraj Patodia v. R. K. Birla & Ors.*⁽³⁾. There also Hegde, J., speaking on behalf of a Division Bench of two judges, observed, after referring to the decisions in *Rananajaya Singh v. Baijnath Singh & Ors.*⁽¹⁾ and *Ram Dayal v. Brijraj Singh & Ors.*⁽²⁾:

"This Court as well as the High Courts have taken the view that the expenses incurred by a political party to advance the prospects of the candidates put up by it, without more do not fall within s. 77". (emphasis supplied).

The same view was reiterated again by a Division Bench of two judges of this Court in *B. Rajagopala Rao v. N. G. Rangar*⁽⁴⁾. The question, therefore, in cases of this kind always is whether there is something more which may legitimately give rise to an inference of implied authorisation by a candidate. What could be that something more is indicated by us in the proposition formulated above, though we must confess that by its very nature it is not possible to lay down the exhaustive enumeration of the circumstances in which that something more may be inferred.

With these observations in regard to the scope and ambit of the provision limiting expenditure, we may now proceed to examine the facts and see whether the first respondent incurred or authorised expenditure exceeding Rs. 10,000 in connection with his election.

The first item of expenditure which we must consider in this connection relates to expenses incurred in holding public meetings in connection with the election of the first respondent. The first respondent in the return of expenses filed by him with the District Election Officer showed three amounts as having been spent by him in connection with his public meetings. One was an amount of Rs. 188 paid to Tandon Tent & Furniture House for furnishings supplied for twelve public meetings held between 20th February, 1971 and 2nd March, 1971. This expenditure was supported by the bill of Tandon Tent & Furniture House, R-25 which showed that for each of the twelve public meetings, Tandon Tent & Furniture House had supplied twenty durris, six takhats and two chaddars at an aggregate charge of Rs. 15/- per meetings. The other was an amount of Rs. 180/-, which according to the first respondent, was paid to Saini Electric Works for microphone, loudspeakers and lighting arrangements made at the same twelve public meetings. The payment of this amount was sought to be supported by the receipt of Saini Electric Works, R-27 which showed a consolidated charge of Rs. 180/- "on account of loudspeaker and lighting arrangements for the period from 20th February, 1971 to 2nd March, 1971". The third was an amount of Rs. 440/- paid to Aggarwal Tent House for furnishings and electric equipment supplied at eleven public meetings and the bill of Aggarwal Tent House R-26 for this amount showed that Aggarwal Tent House had supplied for each public meeting one takhat, four durries, two chandanis, one microphone and four floodlights for a total amount of Rs. 440/- inclusive of Rs. 100 for cartage and Rs. 40 for labour charges. The first respondent thus admitted a total number of twenty-three public meetings and according to him, the total expenditure at each of these public meetings was about Rs. 30/- for furnishings as well as electric equipment, the aggregate expenditure being only Rs. 800. The petitioner challenged this figure of expenditure given by the first respondent and contended that in addition to twenty-three public meetings admitted by the first respondent, many more public meetings were held in connection with the election of the first respondent and much larger expenditure was incurred in each of these public meetings than what was shown by the first respondent in the bills of Tandon Tent & Furniture House and Aggarwal Tent House and the receipt of Saini Electric Works. The argument of the petitioner was that in fact the first

(1) (1955) 1 S.C.R. 671.
106 G. of I/74-2.

respondent had held more than fifty public meetings and at each of these public meetings he had incurred expenditure of not less than Rs. 200 and the expenditure incurred in these public meetings itself exceeded the prescribed limit of Rs. 10,000. The petitioner also urged that a huge meeting was organised by the first respondent in connection with the election of the first respondent at Idgah Road which was addressed by the Prime Minister and this meeting alone cost about Rs. 50,000 and the ceiling of Rs. 10,000 was clearly exceeded. These contentions require a close look at the evidence led on behalf of the parties.

We will first turn to consider the number of meetings organised in connection with the election of the first respondent. The first respondent, no doubt, admitted twenty three public meetings, as indeed he was bound to do in view of the return of expenses filed by him, but he did not state at any time, until he came in the witness box after the closure of the evidence of the petitioner, as to which were these twenty three public meetings and when and where they were held. The petitioner set out in the particulars regarding paragraphs 20(2) and 24 of the petition, furnished by him pursuant to the order of the learned Trial Judge dated 6th August, 1971, the dates and places of the public meetings where the allegations contained in the poster annexure 'A' were orally repeated by the first and fifth respondents and these particulars included reference to several public meetings which did not form part of the twenty three public meetings ultimately admitted by the first respondent, and yet the first respondent did not in his reply to the particulars deny that any of these public meetings were held by the first respondent, but merely contended himself by stating vaguely and evasively that "the correctness of the statements made against paragraph 20(2)(ii)" was denied. It is apparent that though more than twenty three public meetings were held by the first respondent the first respondent had not yet made up his mind as to which twenty three out of these public meetings he should admit. If in fact only twenty three public meetings were held and the particulars furnished by the petitioner included other public meetings, the first respondent would have promptly come out with an assertion that such and such public meetings alleged by the petitioner were not held. But he could not and did not particularise any such public meetings and deny them.

It is also significant to note that when the petitioner in a rather curious manoeuvre summoned the first respondent to produce certain documents, the first respondent stated that he did not have any list of public meetings held in connection with his election and he did not have any record showing "the places where they were held including dates, names of the speakers who addressed or were to address" such public meetings. The first respondent also stated in cross-examination that he had no record with him in support of his statement that there were twenty three public meetings. It is rather strange and difficult to believe that the first respondent should not have any record of the public meetings held by him in connection with his election. If the first respondent did not have any such record, how could he in his evidence give with any definiteness or certitude the dates and places of the twenty three public meetings admitted by him. It is apparent that the first respondent refused to produce the record of the public meetings under the pretext that he did not have any such record, because he did not at that stage, before the evidence of the petitioner was fully disclosed to him, wish to commit himself to any specific public meetings and the record, if produced, would have gone against him and showed that many more than twenty three public meetings were held by him. The non-production of the record must result in an adverse inference being drawn against the first respondent.

There is also another circumstance which deserves to be noted at this stage. The first respondent was summoned by the petitioner to produce inter alia applications for permission to hold public meetings made by him or on his behalf or for his benefit by any of his workers or election agents or other agents and in answer to this summons he stated that he did not make any such application nor was any such application made on his behalf or for his benefit by any of workers, election agents or other agents. The first respondent added that Dr. Roshan Lal made "applications for permis-

sion to the authorities as President of the Delhi Sadar District Congress Committee". It is obvious from these statements, that until this time the first respondent had not thought of and formulated his defence in regard to the public meetings. The first respondent wanted to leave open an exit in case the petitioner was able to show that more than twenty three public meetings were held and he, therefore, deftly and subtly threw out a veiled suggestion implying that the public meetings were held by the Delhi Sadar District Congress Committee. This attitude of the first respondent betrays an anxiety to hold back the true facts in regard to the public meetings.

It may also be noted that even in the cross-examination of the petitioner and his witnesses, the first respondent did not put forward his case as to which were the specific public meetings held by him in connection with his election and which were not. It was only after the evidence on behalf of the petitioner was closed and the first respondent knew what exactly was the case of the petitioner, that he for the first time in his evidence particularised twenty three specific public meetings admitted by him. This strategy was adopted obviously with the object that the twenty three public meetings named by the first respondent should fit in with the unimpeachable documentary evidence which might be produced by the petitioner and his witnesses and should not be falsified by such evidence.

With these broad general observations we now turn to consider the oral and documentary evidence in regard to the public meetings of the first respondent.

The first respondent in his evidence admitted the following twenty three public meetings and accepted financial responsibility for them:

1. 23-2-71	Malka Ganj	12. 25-2-71	Narayan Market
2. 19-2-71	Roshanara Road	13. 15-2-71	Chowk Tatu Shah
3. 16-2-71	Ghanta Ghar		Bagichi Tatu Shah
	Subzi Mandi	14. 18-2-71	Kasab Pura
4. 2-3-71	Clock Tower	15. 20-2-71	Chowk Bara Tooti
	Subzi Mandi	16. 21-2-71	Deputy Ganj
5. 24-2-71	Chhe Tooti in	17. 21-2-71	Telewara
	Paharganj	18. 24-2-71	Telewara
6. 1-3-71	Chowk Chhe Tooti	19. 13-2-71	Chowk Kishan Ganj
7. 22-2-71	Chuna Mandi	20. 1-3-71	P. Block, Andha
8. 19-2-71	Tel Mandi		Mughal
9. 2-3-71	Chowk Lachman	21. 16-2-71	K. Block, Andha
	Puri		Mughal
10. 25-2-71	Katra Karim	22. 23-2-71	Nagla Park
	Ram Nagar	23. 24-2-71	In front of Birla
11. 2-3-71	Chowk Nimwala		Mills.
	Nabi Katim		

These were the twenty three public meetings for which, according to the first respondent, furnishings and electric equipment were supplied by Tandon Tent and Furniture House, Saini Electric Works and Agarwal Tent House. The question is whether any further meetings were held in connection with the election of the first respondent. To establish that many more public meetings than twenty three were held to promote the election prospects of the first respondent, the petitioner led considerable oral as well as documentary evidence.

We shall presently examine this evidence, but before we do so, it would be convenient to dispose of two objections of a preliminary nature raised on behalf of the first respondent. The first respondent urged that though the petitioner at one time contended that about forty to fifty public meetings were held in connection with the election of the first respondent, he did not adhere to this claim in the course

of the arguments before the learned Trial Judge and confined his claim only to nine public meetings in addition to the twenty three public meetings admitted by the first respondent, and therefore, it was not now open to him in the present appeal to contend that any further public meetings were held by the first respondent over and above the nine claimed before the learned Trial Judge. This objection is, however, untenable because it is clear from the judgment itself that the petitioner could not have confined his claim to the nine public meetings referred to by the learned Trial Judge and the learned Trial Judge was obviously under some misapprehension when he made observation to that effect in the judgment. Out of these nine public meetings, there were six which were included in the twenty three public meetings admitted by the first respondent and if that be so, it is difficult to imagine how the petitioner could have claimed them as being in addition to those twenty three public meetings. The petitioner could not possibly have confined his claim to these nine public meetings, when out of them, six were those which were admitted by the first respondent, and could not, therefore, be "in addition to the admitted public meetings". In fact, as the subsequent discussion in the judgment shows, the learned Trial Judge actually proceeded to consider the evidence of the police officers and the officers belonging to the CID which was led on behalf of the petitioner for the purpose of proving various other public meetings in addition to the nine referred to by the learned Trial Judge and held, on a consideration of this evidence, that none of these public meetings claimed by the petitioner was established. This exercise would have been wholly unnecessary if the petitioner had given up his claim in regard to these public meetings and confined his argument only to the nine public meetings referred to by the learned Trial Judge.

It was then contended by the first respondent in a last desperate attempt to thwart an inquiry by this Court into the number of public meetings, that the petitioner had given particulars of only thirty three public meetings in compliance with the order made by the learned Trial Judge dated 6th August, 1971 and it was, therefore, not open to him to claim that any further public meetings were held by the first respondent and his argument should be confined only to the thirty three public meetings specified in the particulars. This argument of the first respondent is also futile. It is clear from the particulars furnished by the petitioner pursuant to the order dated 6th August, 1971 that the particulars of thirty three public meetings were given by the petitioner under paragraphs 20(2)(ii) and 24 and not under paragraph 25 of the petition. The petitioner had alleged in paragraphs 20(2) and 24 that the allegations contained in the poster annexure 'A' were orally repeated by the first and fifth respondents at various public meetings and the petitioner was, therefore, required to give particulars of such public meetings. These particulars were given by the petitioner specifically in reference to paragraphs 20(2) and 24 and they had nothing to do with the allegations in paragraph 25. So far as paragraph 25 is concerned, the only particulars which the petitioner was required to furnish were "details of the items or heads of expenses incurred by respondent No. 1", and the petitioner accordingly gave items or heads of expenses under the heading "Paragraph 25(1) of the petition". The petitioner was not required and did not give particulars of the public meetings held by the first respondent at which expenses were incurred or authorised by the first respondent. There is nothing, therefore, in the particulars which debar the petitioner from agitating as to what was the actual number of public meetings held by the first respondent.

The area of Sadar Parliamentary constituency was comprised within the jurisdiction of four different police stations, namely, Roshanara Road, Pahargunj, Subzimandi and Sadar Bazar. The Station House Officers posted at these four police stations were summoned by the petitioner to give evidence as regards the public meetings held within their respective jurisdictions. Khemraj Dutt (P.W. 1) was the first witness called on behalf of the petitioner. He was the Station House Officer at Roshanara Road police station and he deposed from the records in his possession and filed a list PW 1/1 showing that two public meetings were held by the first respondent within the jurisdiction of his police station, one at Nagia Park on 23rd February, 1971 and the other near Birla Mills compounds on 24th February, 1971. Both these public meetings are included in the twenty three public meetings admitted by the first respondent and we need not, therefore dwell on the evidence of this witness.

The next witness who gave evidence on behalf of the petitioner was Ramesh Chand, Station House Officer from Sadar Bazar Police Station (P.W. 6). He prepared from the records in his possession a list showing the public meetings held within the jurisdiction of his police station and filed it in court as Ex. PW/6/5. The entries in this list have been the subject matter of controversy between the parties and we shall, therefore, refer to these entries in some detail. The list was broadly in three parts. One part expressly referred to public meetings held by the New Congress, the second part to public meetings held by Jan Sangh and the third part which was headed "others", to certain other public meetings. There were nine public meetings set out in the first part as having been organised by the New Congress. The first eight were those included in the twenty three public meetings admitted by the first respondent. The ninth was a public meeting at Idgah Road which was addressed by the Prime Minister. We shall deal with the Idgah Road meeting separately as it stands in a different category by itself. We are not concerned with the public meetings held by the Jan Sangh and we need not, therefore, refer to the second part. The third part was headed "others" and in this part eight public meetings were set out as having been held on different dates. The question which was keenly debated before us was as to what was the meaning of the heading "Others". The contention of the first respondent was, and that was a contention which found favour with the learned Trial Judge and on which a large part of his judgment on this point rested, that the heading "Others" signified that the public meetings enumerated under that heading were held by individuals or political parties other than the Congress and the Jan Sangh. The petitioner, on the other hand, urged that the heading "Others" was intended to indicate only that the public meetings referred to therein were other public meetings over and above those set out in the first and second parts and since the records did not show which were the political parties which held them, they were shown in a separate category under this particular heading. The word "Others" was not intended to convey that these public meetings were of others, that is of individuals or political parties other than the Congress and the Jan Sangh. We think that the meaning sought to be given by the petitioner is correct and it must be preferred to that canvassed on behalf of the first respondent. The list was admittedly prepared by Ramesh Chand and he explained in his evidence in so many terms as to what he meant by the heading "Others". He stated in his evidence, obviously referring to the public meetings set out in the third part, that "the name of the party is not mentioned against some of the meetings". These public meetings may have been held by the Congress or the Jan Sangh or any other individual or political party. The records from which the list was prepared did not show which were the political parties which held these public meetings and they were, therefore, classified under the heading "Others". Ramesh Chand did not say that these public meetings were held by some individuals or political parties other than the Congress and the Jan Sangh and that is why they were included under the heading "Others" nor was any such suggestion made to him in cross-examination. The explanation given by Ramesh Chand that the names of the political parties which held these public meetings were not known and hence not mentioned in the list was not challenged on behalf of the first respondent in cross-examination and if this explanation is to be accepted, as it must be, it is apparent that these public meetings were subsumed under the heading "Others" because the records did not show which were the political parties which held them. The word "Others", meant merely "Other meetings" and not meetings "of others", that is of individuals or political parties other than the Congress and the Jan Sangh. We cannot, therefore say that merely because a particular public meeting finds a place in the third part under the heading "Others", it could not be a public meeting of the Congress. The third part would show that the public meetings there referred to were held on the dates mentioned against them, but whether these public meetings were held by the Congress or the Jan Sangh or any other individual or political party could be ascertained only from other evidence, because the records with the police did not show the names of the political parties which held these public meetings.

The third witness from the police force summoned on behalf of the petitioner was Chaman Lal (P.W. 7) who was

the Station House Officer posted at Pahargunj Police Station. This witness also prepared from the records in his possession a list showing the public meetings of the Congress held within the jurisdiction of his police station and filed it in court as Ex. P.W. 7/1. There were twelve public meetings shown in this list as having been held by the Congress, but out of them, three public meetings, namely, one at Chunamandi on 17th February, 1971, the other at Arakashan Road, Bagichi Alauddin on 27th February, 1971 and the third at Chowk Lachmanpur on 1st March, 1971 appeared to have been cancelled. Thus, according to this list, nine public meetings, were held by the Congress within the jurisdiction of the Pahargunj Police Station. Out of these nine public meetings, seven were included in the twenty three public meetings admitted by the first respondent and we need not, therefore, refer to them. That leaves for consideration two public meetings which, according to the list, were held at Multani Dhandha on 18th February, 1971 and 22nd February, 1971. So far as the public meeting at Multani Dhandha on 18th February, 1971 is concerned, the contention of the first respondent was, and that was the contention which appealed to the learned Trial Judge, that it was meeting of T. Sohan Lal who was a Congress candidate from the adjoining Karol Bagh Parliamentary constituency and not a meeting of the first respondent. We do not think it is possible for us to hold affirmatively that this public meeting was a meeting of T. Sohan Lal. The first respondent could have easily summoned T. Sohan Lal who belonged to the same political party as he had established through this evidence that this was a public meeting of T. Sohan Lal, but the first respondent failed to do so. That, however, does not help the petitioner, because the burden is on the petitioner to show that this public meeting was a meeting of the first respondent and the petitioner must discharge that burden on the evidence on record. Now one fact which stands out from the evidence of Om Prakash Makkan (RI/WI) is that a part of Multani Dhandha (within the jurisdiction of Pahargunj Police Station) fell within the area of the Karol Bagh Parliamentary constituency and this fact could not be controverted on behalf of the petitioner. If a part of Multani Dhandha fell within the area of the Karol Bagh Parliamentary constituency, the possibility cannot be ruled out that the public meeting of 18th February, 1971 might have been held by T. Sohan Lal in his part of Multani Dhandha in connection with his election. That in fact was the suggestion made by Om Prakash Makkan (RI/WI) in his evidence and it was repeated on behalf of the first respondent in the course of the arguments. This suggestion gains strength from the fact that amongst the speakers at this public meeting, shown in the list Ex. PW 7/1, was T. Sohan Lal. There was no positive evidence led on behalf of the petitioner showing that this public meeting was held in that part of Multani Dhandha which fell within the constituency of the first respondent. The only evidence on which the petitioner sought to rely in this connection was that of Madan Lal Khorana (PW 10), but that evidence merely referred to a meeting of the first respondent in Multani Dhandha and as we shall presently show, the first respondent did hold a public meeting at Multani Dhandha on 22nd February, 1971, and this evidence was obviously referable to that public meeting. The evidence on record does not, therefore, exclude the possibility that the public meeting of 18th February, 1971 might have been held by T. Sohan Lal in his part of Multani Dhandha which also fell within the jurisdiction of Paharganj Police Station and we cannot hold it proved that this public meeting was a meeting of the first respondent. The petitioner, however, stands on a firmer footing in regard to the public meeting at Multani Dhandha on 22nd February, 1971. This public meeting is clearly shown in the list as having been held as a meeting of the Congress and Ex. PW 7/3, which is a copy of the report intimating permissions granted to the Congress for holding various public meetings, shows that permission was granted for holding this public meeting. The only ground on which the learned Trial Judge rejected this public meeting was that it was shown as cancelled in the list Ex. PW 7/1. But this was an obvious error committed by the learned Trial Judge because if we look at the list Ex. PW 7/1, it is clear that, unlike the three public meetings at Chunamandi, Arakashan Road Bagichi Alauddin and Chowk Lachmanpur, there is no endorsement of cancellation against this public meeting and the list clearly shows that this meeting was held but the total number of persons attending it and the names of the speakers were not known and hence not mentioned

in the records. It was suggested on behalf of the first respondent in the course of arguments that this public meeting might also be of T. Sohan Lal but this suggestion is wholly untenable. In the first place, out of seven public meetings for which permissions were granted under Ex. PW 7/3, six were admittedly public meetings in connection with the election of the first respondent, and therefore, it would be reasonable to infer that the seventh public meeting at Multani Dhandha on 22nd February, 1971 must also be a public meeting of the first respondent. Secondly, it is difficult to believe that within four days of the first public meeting at Multani Dhandha on 18th February, 1971, T. Sohan Lal should have held another public meeting at the same place. It is more probable that this public meeting should have been held by the first respondent for whom this was the first and the only meeting in this area. Lastly, Madan Lal Khorana (PW 10) deposed to a public meeting of the first respondent at Multani Dhandha and this evidence was not challenged at all in cross examination and it was not even suggested to this witness that no meeting was held by the first respondent in Multani Dhandha. We, therefore, hold, on the strength of the list PW 7/1 and the permission PW 7/3 supported by the evidence of Madan Lal Khorana (PW 10), that a public meeting was held at Multani Dhandha on 22nd February, 1971 in connection with the election of the first respondent.

Then we come to the evidence of Ram Murti Sharma (PW 8), who was the Station House Officer at Subzmandi Police Station. This witness filed a list Ex. PW 8/3 showing the public meetings held by the Congress within the jurisdiction of his police station and giving particulars of such public meetings. There were only six public meetings shown in this list and they were all included in the twenty three public meetings admitted by the first respondent. Since no further public meetings appeared to have been held by the Congress according to this list, we need not say anything more about it. The petitioner, however, relied on a letter dated 12th February, 1971 Ex. PW 8/2 addressed by the Sub-Divisional Magistrate to Dr. Roshan Lal according to permission to hold public meetings at certain places on the dates shown against them. The contention of the petitioner was that since permission was granted to Dr. Roshan Lal to hold these public meetings, they must be presumed to have been held and must be added to the twenty three public meetings admitted by the first respondent. Now, out of seven public meetings for which permission was granted by this letter, four were admittedly held as shown in the list Ex. PW 8/3. The question is whether the other three public meetings, namely, one at 'K' Block, Andha Mughal on 18th February, 1971, the other at Malka Ganj on 22nd February, 1971 and the third at Ghanta Ghar on 3rd March, 1971 for which permission was granted, were held. We may straight away dismiss the public meeting alleged to have been held at Ghanta Ghar on 3rd March 1971, for there is no evidence at all to show that this public meeting was held and Ram Murti Sharma (P.W. 8) actually stated in his evidence that the permission for this public meeting was cancelled by the Sub-Divisional Magistrate by his order dated 13th February, 1971. Indeed, it is difficult to see how this public meeting could possibly have been held on 3rd March, 1971 within 48 hours before the date of polling. So far as the other two public meetings, one at 'K' Block, Andha Mughal on 18th February, 1971 and the other at Malka Ganj on 22nd February, 1971 are concerned, they also stand on the same footing and cannot be regarded as proved, because there is no evidence at all to show that these two public meetings were actually held pursuant to the permission granted by the Sub-Divisional Magistrate.

We may then refer to the evidence of the CID officers summoned by the petitioner to prove the holding of various public meetings by the first respondent. The first witness belonging to this group was Mahender Pal Singh (PW 20) who was an Inspector, CID Special Branch at Tees Hazari. He stated in his evidence that during the election period his staff used to cover election meetings held by various political parties and they included public meetings held by the first respondent. He further stated that the officers who were sent to cover the public meetings used to attend them and then submit, either on the basis of the shorthand notes taken down by them or from memory, reports of the speeches made at these public meetings. He was then asked to state from his

records as to what were the public meetings held in the Sadar Parliamentary constituency which were covered by his staff. He, however, claimed privilege in respect of the records brought by him and produced an affidavit of the Inspector General of Police in support of his claim of privilege. The affidavit was plainly inadequate as it merely repeated the language of section 123 of the Evidence Act under which the privilege was claimed, without informing the Court as to how the records in respect of which the privilege was claimed fell within the terms of the section. The learned Trial Judge, therefore, rejected the claim for privilege based on this affidavit but gave a further opportunity to the Inspector General of Police to file a proper affidavit claiming privilege on 4th January, 1972. It appears that the Inspector General of Police was not ready with his affidavit on 4th January, 1972 and he asked for further time upto 10th January, 1972. The learned Trial Judge granted him time but made an order that the counsel for the Inspector General of Police should give to the counsel of the petitioner by 5th January, 1972 "a list of the persons who were deputed to attend the Congress election meetings in Sadar Parliamentary constituency together with their present official addresses, the dates of the meetings attended, the times of the meetings and the list of the speakers at such meetings". In compliance with this direction, a chart containing the requisite particulars prepared from the records was handed over to the counsel for the petitioner on 5th January, 1972. This chart referred to twenty two public meetings held in support of the first respondent in Sadar Parliamentary constituency and gave dates and places of these public meetings, the names of the speakers who spoke at these public meetings and the officers who covered them. The Inspector General of Police thereafter filed another affidavit dated 6th January, 1972 claiming privilege on the ground that the records contained "the mental notes and reports of officials which are made by public officers in the course of the discharge of their official duties", for the benefit of the CID Special Branch and the practice of keeping such documents was necessary for the proper information of the CID Special Branch, and the disclosure of these documents "would lead to injury to public interest and prejudice the working of the CID Special Branch. And moreover, these documents were unpublished official records relating to the affairs of the State". The learned Trial Judge, by an order dated 12th January, 1972 upheld the claim of privilege made on the strength of this affidavit. The result was that the reports made by the officers who covered the public meetings of the first respondent, which comprised inter alia the mental notes made by them, were shut out from the petitioner and a very valuable piece of evidence which would have established beyond doubt what were the public meetings held by the first respondent was denied to the petitioner. There can be no doubt that these reports were made by public servants in discharge of their official duty and they were relevant under the first part of section 35 of the Evidence Act since they contained statements showing what were the public meetings held by the first respondent. Vide *P. C. P. Reddier v. S. Perumal* (1). But by reason of the order made by the learned Trial Judge upholding the claim of privilege, these reports were removed from the ken of the petitioner as well as the learned Trial Judge. The petitioner contended before us that the learned Trial Judge was in error in upholding the claim of privilege and that the reports should have been made available to the petitioner. There is great force in this contention of the petitioner because it is difficult to see how, barring any observations or notings made by the officers by way of comment or opinion, the rest of the reports containing factual data could possibly be regarded as privileged. The learned Trial Judge himself could have looked at the reports for the purpose of satisfying himself as to what was the nature of the statements contained in the reports and whether they were privileged, and if so, to what extent, but the learned Trial Judge apparently did not choose to do so. However, it is not necessary for us to decide this question of privilege and we need not express any final opinion upon it, since we find that the officers who covered these public meetings and made reports have themselves given evidence on behalf of the petitioner and though they did suffer from the handicap that they could not refresh their memory by looking at the reports, they have given faire-

ly reliable evidence in regard to the public meetings covered by them and the exclusion of the reports from the evidence is, therefore, really of not much consequence. Moreover, the chart furnished by the counsel for the Inspector General of Police to the petitioner gives sufficient information as to the dates and places of the public meetings held in connection with the election of the first respondent and the names of the speakers who spoke at those public meetings. The petitioner made an application to the learned Trial Judge being IA No. 645 of 1972 for taking this chart in evidence and marking it as an exhibit in the case but the learned Trial Judge, by an order dated 20th April, 1972, rejected this application. We do not think the learned Trial Judge was right in rejecting this chart out of hand as a document without any evidentiary value whatever. It is clear that the entries in the reports made by the officers stating the dates and places of the public meetings covered by them and the names of the speakers at those public meetings could not possibly be privileged and in fact, as appears clearly from the affidavit claiming privilege, the Inspector General of Police did not claim privilege in respect of these particulars entered in the reports. The claim for privilege made by him was in respect of reports of speeches made at the public meetings since they were based on mental notes and were not "verbatim copies of the speeches of the speakers". It was for this reason that the learned Trial Judge directed that a chart showing the dates and places of the public meetings and the names of the speakers should be compiled by the Inspector General of Police and handed over to the counsel for the petitioner. This chart was obviously to be prepared from the official records in the possession of the Inspector General of Police which would be relevant under the first part of section 35 of the Evidence Act. When this direction was given by the learned Trial Judge, the first respondent did not raise any objection, though the furnishing of the chart would be clearly tantamount to production of the relevant parts of the official records containing particulars in regard to the dates and places of the public meetings and the names of the speakers. The chart furnished by the Inspector General of Police in compliance with this direction of the learned Trial Judge was, therefore, clearly admissible in evidence. The Inspector General of Police, in fact, affirmed this chart in his affidavit claiming the privilege and said in paragraph 3 of that affidavit that the chart had been supplied to the counsel of the petitioner "through the witness Inspector Mohinder Pal Singh". It was suggested on behalf of the first respondent that there was nothing to show that this chart produced by the petitioner along with his application IA No. 645 of 1972 was the same as that given by the Inspector General of Police. But this suggestion is wholly untenable. It is nothing but an afterthought. No such plea was put forward by the first respondent in reply to IA No. 645 of 1972. The first respondent did not dispute in the affidavit filed by him in reply to this application that the chart produced by the petitioner was not the same as that handed over to him by the Inspector General of Police. The first respondent then contended that if this chart were treated as evidence, he would be deprived of an opportunity of cross-examining the CID officers who made the reports or maintained the official records from which the chart was prepared. But that is no argument, because even if the reports made by CID officers or the official records maintained by them had been produced by the Inspector General of Police, they would have been admissible in evidence under the first part of section 35 of the Evidence Act, without any oral evidence as to their contents being required to be given by the CID officers who made the reports or maintained the official records. The petitioner is, therefore, not unjustified in asking us to treat the chart as a piece of evidence with probative value, though it must be said that it is weak type of evidence and standing by itself without anything more, it cannot be regarded sufficient to establish the holding of a public meeting by the first respondent. It can however, certainly be relied upon as a corroborative piece of evidence which may be considered along with other evidence for the purpose of deciding whether a particular public meeting was held in connection with the election of the first respondent.

We may now turn to consider the oral evidence of the CID officers in regard to the specific public meetings held in connection with the election of the first respondent. But before we do so, we may refer to one general criticism levelled by the learned Trial Judge for disbelieving the oral

evidence of the CID officers. Whenever a CID officer deposed to a public meeting held by the first respondent, which was not to be found in the lists PW 6/5, PW 7/1 and PW 8/3, the learned Trial Judge promptly rejected the evidence and refused to accept the public meeting on the ground that if such a public meeting had taken place, it would have certainly found a place in one of these lists and the absence of mention of it in these lists clearly indicated that it must not have taken place. This approach of the learned Trial Judge is in our opinion erroneous. It is obvious that the lists Ex. PW 6/5, PW 7/1 and PW 8/3 are not exhaustive of all the public meetings held within the jurisdiction of the respective police stations. They refer only to those public meetings where the police station staff was sent for maintenance of law and order. It is quite possible that there might have been other public meetings of which the police station officers had no notice and which might not have been covered by the police station staff and hence not entered in the registers maintained by the police stations. In fact, Umesh Chandra stated in his evidence that in February 1971, twenty four election meetings were held within the jurisdiction of his police station on behalf of various parties and yet the list Ex. PW 6/5 shows only eighteen public meetings. The absence of mention of a public meeting in the lists Ex. PW 6/5, PW 7/1 and PW 8/3 cannot, therefore, be a ground for disbelieving the testimony of an independent and disinterested witness like a CID officer. Moreover, it is difficult to appreciate how the oral testimony of a witness can be contradicted by a negative inference to be drawn from the absence of an entry in the register or list maintained by another witness, when that other witness has not stated in his evidence that his register or list was exhaustive and no other public meeting were held. It may also be noted that no question was put to any of the police station officers on behalf of the first respondent suggesting that the lists Exs. PW 6/5, PW 7/1 and PW 8/3 were exhaustive and no public meetings other than those shown in these lists were held within the respective jurisdictions of their police stations. The absence of mention of a particular public meeting in the lists Exs. PW 6/5, PW 7/1 and 8/3 cannot, therefore, be relied upon as a circumstance for disbelieving the testimony of the CID officers in regard to the holding of such public meeting. The learned Trial Judge also relied very much on the evidence of the first respondent and his witnesses denying the holdings of the public meetings deposed to by the CID officers but such denial by partisan and interested witnesses can have no meaning in the face of positive evidence of the CID officers supported by the chart furnished by the Inspector General of Police and no weight can attach to it. **As observed by this Court in *Rahim Khan v. Khurshid Ahmad* (6) (C.A. 816 of 1973, dec. on 8th August, 1974).**

"Negative evidence is ordinarily no good to disprove the factum of meetings."

Turning to the oral evidence of the CID Officers, the first CID officer to whom we must refer in this connection is Umesh Chander (PW 39). This witness stated that he covered several election meetings in Sadar Parliamentary constituency during the General Elections of 1971 and amongst others, he attended the public meetings at Chowk Chee Tooti, Ghanta Ghar, Tel Mandi Amarpuri Colony, Chowk Azad Market and near Imperial Cinema. He could not give the dates of these public meetings from memory, but it is clear from the chart furnished by the Inspector General of Police to the petitioner that these six public meetings were held on 24th February, 1971, 16th February 1971, 19th February, 1971, 25th February, 1971, 26th February, 1971, and 22nd February, 1971. Out of these six public meetings, three, namely, one at Chowk Chhe Tooti on 24th February, 1971, the other at Ghanta Ghar on 16th February, 1971 and the third at Tel Mandi on 19th February, 1971 were amongst the twenty three public meetings admitted by the first respondent. So far as the public meeting near Imperial Cinema on 22nd February, 1971 is concerned, that was also, according to the first respondent, included in the admitted twenty three public meetings. The contention of the first respondent was that this public meeting was the same as the one at Chuna Mundi on 22nd February, 1971 admitted by him and was not an additional meeting. This

contention appears to be well founded. It is clear from the report of permissions Ex. PW 7/3 that Imperial Cinema is in Chuna Mundi and in fact a permission was granted under Ex. PW 7/3 for holding a public meeting in Chuna Mundi in front of Imperial Cinema on 27th February, 1971, though it was subsequently cancelled as appearing from the list Ex. PW 7/1. The first respondent also stated in his evidence that there was a meeting in Chuna Mundi in front of Imperial Cinema on 22nd February, 1971. The public meeting near Imperial Cinema on 22nd February, 1971 deposed to by Umesh Chandra was, therefore, the same as the public meeting at Chuna Mundi admitted by the first respondent. That leaves for consideration two public meetings, one at Amarpuri Colony on 25th February, 1971 and the other at Chowk Azad Market on 26th February, 1971. Both these public meetings were disputed by the first respondent. But the evidence given by Umesh Chandra (PW 39) supported by the relevant entries in the chart shows beyond doubt that these two public meetings were held by the first respondent. There was hardly any cross-examination of Umesh Chandra (PW 39) on this point. No suggestion was made to him that he was an interested witness and indeed such a suggestion could not be made as he was a CID officer. It was not even put to him that these two public meetings did not take place as deposed to by him. The only question put to this witness was as to how he remembered the places of the public meetings deposed to by him and his frank answer was that the places of these public meetings were stated by him from memory. There is no reason why this witness should be disbelieved merely because he gave the places of the public meetings attended by him from memory. In fact, as pointed out above, the chart furnished by the Inspector General of Police clearly supports his oral evidence. The learned Trial Judge rejected the evidence of this witness on two grounds. One ground was that this witness did not state that the public meetings deposed to by him were Congress meetings of the first respondent. This ground is fallacious, in that it overlooks the positive evidence given by this witness that the first and fifth respondents spoke at these public meetings, though of course he could not say whether both of them spoke in all the public meetings or in only some of them. However, the chart furnished by the Inspector General of Police shows the names of the speakers at these public meetings and it is evident from these names that these public meetings were "Congress meetings of respondent No. 1". The other ground relied on by the learned Trial Judge was that the claim of the petitioner in regard to the public meetings at Amarpuri colony and Chowk Azad Market was believed by the list Ex. PW 6/5 in which, according to the learned Trial Judge, the public meetings at these two places were stated to be of political parties 'other' than the Congress or the Jan Sangh. This ground is also untenable and for two reasons. In the first place, the list Ex. PW 6/5 does not refer to any public meeting at Amarpuri Colony on 25th February, 1971 or Chowk Azad Market on 26th February, 1971 under the heading 'Others', and none of these two public meetings deposed to by Umesh Chandra (PW 39) finds a place in list Ex. PW 6/5. Secondly, as already pointed out above, the heading 'Others' does not indicate that a public meeting under that heading was a meeting of any individual or political party other than the Congress or the Jan Sangh. We must, therefore, hold, on the strength of the evidence of Umesh Chandra (PW 39) supported by the chart furnished by the Inspector General of Police, that in addition to the twenty three public meetings admitted by the first respondent two further public meetings were held in connection with the election of the first respondent namely one at Amarpuri Colony on 25th February 1971 and the other at Chowk Azad Market on 26th February, 1971.

The next witness whose evidence we must consider is Ranbir Singh (PW 49), who was at the material time a Sub-Inspector in CID Special Branch. He has stated that he covered three or four election meetings of the first respondent, and though he could not remember the sequence, he asserted that these election meetings were at Chowk Chhe Tooti, Clock Tower, Chowk Tatoo Shah Bagichi and Pahari Dhurai. He further said that the first respondent spoke at all these public meetings and the fifth respondent also spoke at one or two of them. He also gave the names of some of the other speakers at these four public meetings. These four public meetings also find a place in the chart

furnished by the Inspector General of Police and according to that Chart, the public meeting at Chowk Chhe Tooti was held on 12th February, 1971, the public meeting at Chowk Tutoo Shah Bagichi was held on 15th February, 1971, the public meeting at Clock Tower was held on 2nd March, 1971 and the public meeting at Pahari Dhiraj was held on 27th February, 1971. The second and the third of these public meetings were included in the twenty three public meetings admitted by the first respondent and the dispute was only as regards the first public meeting at Chowk Chhe Tooti on 12th February, 1971 and the fourth public meeting at Pahari Dhiraj on 27th February, 1971. We will first consider the position in regard to the public meeting at Pahari Dhiraj on 27th February, 1971. The learned Trial Judge rejected the evidence of Ranbir Singh (PW 49) in regard to this public meeting on the ground that the list Ex. PW 6/5 showed this public meeting as "a meeting of political parties other than the Congress and Jan Sangh" and the first respondent had in his evidence denied that any such public meeting was held by him. We do not think that the learned Trial Judge was justified in taking this view. In the first place, if we look at the list Ex. PW 6/5, it shows a public meeting at Pahari Dhiraj on 27th February, 1971 under the heading 'Others'. We have already pointed out that the heading 'Others' does not mean anything more than other meetings and merely because a particular public meeting finds a place under that heading, it does not mean that it was not a meeting of the Congress. The list Ex. PW 6/5 does not, therefore, in any way contradict the evidence of Ranbir Singh (PW 49) at this point. Secondly, the evidence of Ranbir Singh (PW 49) is supported by the entry at serial No. 18 in the chart furnished by the Inspector General of Police which shows that a public meeting was held in support of the first respondent at Pahari Dhiraj on 27th February, 1971 at which, amongst other, respondents No. 1 and 5 were the speakers. Thirdly, there is no reason why an independent witness like Ranbir Singh (PW 49), who has absolutely no interest in the result of the litigation one way or the other, should be disbelieved. It is true that the places of the four public meetings deposed to by him were mentioned in the summons served upon him and it was for that reason that he could give the names of these places in his evidence, but that does not detract from the value of his evidence, because unless these places mentioned in the summons were correct, he would not have subscribed to them in his evidence. He would have said "I do not remember". But he gave evidence in regard to these public meetings because he remembered though his memory was prodded by what was stated in the summons. He even gave the names of some of the speakers and deposed broadly to the arrangements made at these public meetings. Not even a suggestion was made to him that the public meeting at Pahari Dhiraj was a meeting of some other political party or individual. It may also be noted that apart from Ranbir Singh (PW 49), Kundan Lal (PW 27) and Channilal (PW 32) also deposed to the public meeting at Pahari Dhiraj and there is no reason why their evidence should not be accepted, particularly when Kundan Lal (PW 27) was an independent witness without any political affiliation and Channilal (PW 32) was also a person belonging neither to the Congress nor to the Jan Sangh. We, therefore, hold that a public meeting at Pahari Dhiraj was held in connection with the election of the first respondent on 27th February 1971.

So far as the public meeting at Chowk Chhe Tooti on 12th February, 1971 is concerned, it is clearly established by the evidence of Ranbir Singh (PW 49) supported by the entry at serial No. 1 in the chart furnished by the Inspector General of Police. It may be noted that Ranbir Singh (PW 49) stated in his evidence that the speakers at the public meeting at Chowk Chhe Tooti were the first respondent, fifth respondent, Shiv Charan Gupta and two or three others. This statement tallies completely with the names of the speakers given in the chart furnished by the Inspector General of Police against the entry at serial No. 1. We do not see any reason why the evidence of Ranbir Singh (PW 49) who is a wholly independent witness should be rejected and the denial of the first respondent, who is a party to the litigation, or his supporters should be preferred. It is true that there is no mention of this public

meeting at Chowk Chhe Tooti in the list Ex. PW 7/1, but, as pointed out above, the absence of mention of this public meeting at Chowk Chhe Tooti in the list Ex. 7/1, but, believing the testimony of an independent and disinterested witness like Ranbir Singh (PW 49) We must, consequently, hold that a public meeting of the first respondent was held at Chowk Chhe Tooti on 12th February, 1971.

We then go on to consider the evidence of Daulat Ram (PW 42) who was also at the material time Sub-Inspector in the CID Special Branch. He said in his evidence that he covered two election meetings of the first respondent, one at Chowk Bara Tooti and the other at Hathikhana Bahadurgarh Road. The chart furnished by the Inspector General of Police shows that the public meeting at Chowk Bara Tooti was held on 20th February, 1971, while the public meeting at Hathikhana, Bahadurgarh Road was held on 26th February, 1971. So far as the public meeting at Chowk Bara Tooti on 20th February, 1971 is concerned, it was admitted by the first respondent, but the public meeting at Bahadurgarh Road on 26th February, 1971 was disputed and the first respondent denied that any such public meeting was held by him. The evidence of Daulat Ram (PW 42) in regard to this public meeting is however very clear and there is no reason why it should not be accepted, merely because he has deposed to this public meeting from memory. In fact the memory of this witness was severely tested in cross-examination by the first respondent but he stood the test firmly and was unshaken. There is nothing suggested as to why the testimony of this witness should be rejected. This witness not only deposed to the holding of the public meeting at Bahadurgarh Road but actually gave the names of the speakers at this public meeting, namely, the first respondent, the fifth respondent, Mr. Mir Mushtaq Ahmed and Sardar Wazir Singh. These names tally completely with the names of the speakers given in the chart furnished by the Inspector General of Police. We also find that the list Ex. 6/5 shows that a public meeting at Bahadurgarh Road was held on 26th February, 1971. It is undoubtedly mentioned under the heading 'Others' but, as we have already explained, this does not mean that it could not be a meeting of the Congress. It is significant to note that not even a suggestion was made to this witness that the public meeting at Bahadurgarh was a meeting of some other political party or individual. Such a suggestion would obviously have been futile, because the evidence of the witness was that the only meetings he covered were those of the Congress and the Jan Sangh and this public meeting deposed to by him could not, therefore, be a meeting of any other political party or individual. We are, therefore, satisfied beyond doubt a public meeting at Hathikhana, Bahadurgarh Road was held on 26th February, 1971 in connection with the election of the first respondent.

The next witness in this ground is Sukhbir Singh (PW 46) who was at the material time a Head Constable in CID Special Branch. He said in his evidence that he covered one meeting of the first respondent in Sadar Parliamentary constituency and that was a meeting at Chhoti Masjid, Bara Hindu Rao on 26th February, 1971. The speakers at this meeting, according to him, were O. P. Jain, Mir Mushtaq Ahmad, Narendra Kumar and Dada Ataf-ur-Rehman. This evidence clearly establishes the holding of this public meeting by the first respondent and there is no reason why it should not be accepted, particularly when we find that it has not been challenged at all in cross-examination by the first respondent. It is no doubt true that Subhash Arya (R1W 35) stated in his evidence that a public meeting was scheduled to be held at Bara Hindu Rao on 26th February, 1971, but it was cancelled because he could not arrange for any speaker at this public meeting. But we fail to see how this statement of Subhash Arya (R1W 35), who was admittedly a partisan witness, could be preferred to the testimony of Sukhbir Singh (PW 46) who was wholly independent and disinterested, having no interest in the result of the litigation. It may also be noted that an application Ex. PW 6/1 for permission to hold this public meeting was made by Dr. Roshan Lal on 26th February, 1971, that is, on the same day on which this public meeting was to be held and it is difficult to believe that such application could have been made by Dr. Roshan Lal in the morning of 26th February,

1971 without making the necessary arrangements for speakers at this public meeting which was to be held the same evening. The learned Trial Judge rejected the evidence of Sukhbir Singh (PW 46) in regard to this public meeting on the ground that this public meeting was shown in the list Ex. PW 6/5 as a meeting organised by other political parties and not by the Congress. But this ground is, with the greatest respect to the learned Trial Judge, wholly misconceived because we do not find any deference to this public meeting in the list Ex. 6/5 even under the heading 'Others'. Not only is the evidence of this witness uncontradicted by any documentary evidence but it actually finds support from the entry of serial No. 16 in the chart furnished by the Inspector General of Police where it is shown as a meeting held in support of the first respondent. The names of the speakers given by this witness also tally with the names set out against the entry at serial No. 16 in the chart furnished by the Inspector General of Police. We must, therefore, accept the case of the petitioner that a public meeting at Chhoti Masjid, Bara Hindu Rao was held by the first respondent on 26th February, 1971.

That takes us to the evidence of Shyam Singh (PW 45), who was at the material time posted in the CID Special Branch. He said in his evidence that he covered two public meetings of the first respondent, one at Chowk Nabi Karim on 26th February, 1971 and the other at Chowk Neemwala in Nabi Karim on 2nd March, 1971. The second public meeting at Chowk Neemwala on 2nd March 1971 was included in the twenty three public meetings admitted by the first respondent. But the first public meeting at Chowk Nabi Karim held on 26th February, 1971 was disputed by him and the case of the first respondent was that no such public meeting was held. We do not see any reason why the evidence of Shyam Singh (PW 45) in regard to the public meeting at Chowk Nabi Karim on 26th February, 1971 should not be accepted. If we look at the cross-examination of this witness by the first respondent, we do not find any challenge at all to the statement of this witness in regard to the holding of this public meeting. Moreover, the evidence of this witness is supported by the statement of Chunni Lal (PW 32) in cross examination that the Congress held a public meeting inter-alia at the Nabi Karim Chowk. But more than this support from the oral evidence of Chunni Lal (PW 32) is the corroboration to be found in the Chart furnished by the Inspector General of Police. The entry at serial No. 14 in this chart clearly supplies authenticity and veracity to the evidence of Shyam Singh (PW 45) that this public meeting did take place as claimed by the petitioner. The names of the speakers given by this witness in his oral evidence find a place amongst the speakers mentioned in this chart. There can, therefore, be no doubt despite the denial of the first respondent, that a public meeting at the Chowk near the Police Post, Nabi Karim was held by the first respondent on 26th February 1971.

The petitioner also claimed that two other public meetings were held by the first respondent in connection with his election, one at Chowk Singhara on 18th February, 1971 and the other at Tonga Stand, Pahar Ganj, on 2nd March, 1971. These two public meetings are shown as having been held in support of the first respondent in the entries at serial Nos. 4 and 21 in the chart furnished by the Inspector General of Police. The CID officer who, according to this Chart, covered these two public meetings was Umesh Chandra (PW 39), but since Umesh Chandra (PW 39) was precluded from referring to the reports made by him contemporaneously for the purpose of refreshing his memory and required to give evidence only on the basis of what he re-called** by him. There was also no other evidence in support of these two public meetings. The case of the petitioner, therefore, rested only on the entries at serial Nos. 4 and 21 in the chart supplied by the Inspector General of Police. But as pointed out above, this chart is definitely weak piece of evidence and it would not be correct to rely upon it as substantive evidence for the purpose of holding, on the strength of its evidentiary value alone without anything more, that these two public meetings, namely one at Chowk Singhara on 18th February, 1971 and the other at Tonga Stand, Pahar Ganj on 2nd March, 1971 were held in support of the election of the first respondent.

Then there were three other public meetings claimed by the petitioner to have been held by the first respondent,

namely, one at Katra Karim on 17th February, 1971 and the other at Chana Mandi near Imperial Cinema on 17th February, 1971 and the third at Tel Mandi on 19th February, 1971. There is no evidence at all to show that these three public meetings were held. The only piece of the evidence on which the petitioner could place reliance was the copy of the report Ex PW 7/3 which showed the permissions granted by the Sub-Divisional Magistrate to the Congress to hold certain public meetings which included inter alia these three public meetings. But from the mere factum of permission, without any further evidence, we cannot come to the conclusion that these three public meetings were held in connection with the election of the first respondent. The same position obtains in regard to three other public meetings claimed by the petitioner, namely, one at 'K' Block, Andha Mughal on 18th February, 1971 and the other at Malka Ganj on 22nd February, 1971 and the third at Ghanta Ghar on 3rd March, 1971. There is no evidence in support of these three public meetings. What we have are only the applications for permission to hold these three public meetings and they are clearly insufficient to establish that these three public meetings were held. In fact, the public meeting at Ghanta Ghar on 3rd March, 1971 could never have been held because of the ban on public meetings within forty eight hours before the date of polling.

We then proceed to consider the public meeting which, according to the petitioner, was held in Gulabi Bagh. The only evidence in support of this public meeting is a reference to it in the bill of Agarwal Tent House, Ex. R-26. But, as we shall presently show, this bill of Agarwal Tent House cannot be regarded as genuine and it would not, therefore, be correct to base any finding on a statement contained in it. In the absence of any positive evidence on behalf of the petitioner in support of this public meeting, the denial of the first respondent must be accepted. We, therefore, reject the case of the petitioner that a public meeting was held by the first respondent at Gulabi Bagh.

That takes us to the public meeting at Pul Bangash on 26th February, 1971, Ex. PW 6/1 is the application made by Dr. Roshan Lal for permission to hold a public meeting at Chowk Pul Bangash on 26th February, 1971, and, in the absence of any evidence to the contrary, we must presume that the permission applied for was granted. The list Ex. PW 6/5 shows that a public meeting was held at Pul Bangash on 26th February, 1971. The reference to this public meeting is under the heading 'Others' but, as we have already discussed, this circumstance does not militate against this public meeting being a meeting of the Congress. Then there is the positive evidence of Inder Mohan Bharadwaj (PW 30) that there was a public meeting of the first respondent at Pul Bangash on 26th February, 1971 and when he was passing along, he saw pamphlets, like annexure 'A', being distributed at this public meeting. It appears that the statement of this witness in regard to the factum of this public meeting was not challenged in cross-examination on behalf of the first respondent. The only challenge was to the accuracy of what he saw at this public meeting. When we turn to the evidence led on behalf of the first respondent in regard to this public meeting, we find a very interesting feature which is eloquent of the truth. Om Prakash Makan (RIWI) admitted in his cross-examination on 4th February, 1972 that he went to another meeting of the first respondent and the place where this meeting was held was Pul Bangash. But his cross-examination was not completed on 4th February, 1972. It was continued on 7th February, 1972 and in the course of the further cross-examination on that day, he seized the opportunity to go back on his previous admission and tried to explain it away by saying "I did not see any meeting at Pul Bangash. I had gone there to see Trilochan Singh. When I went there I saw 20 or 25 people coming back. I asked them whether Trilochan Singh was there and was informed that Trilochan Singh was not there. Amongst the people returning was my brother-in-law Dina Nath and he told me that there had been a meeting in some house". This was a crude and clumsy attempt to explain away an admission unwittingly made and it cannot deceive us. The admission of the witness stands unimpaired and there can be no doubt that it represents the truth. When Subhash Arya (R 1W 35) was cross-examined in

**be omitted there two public meetings in the evidence given

regard to this public meeting, he admitted that this public meeting was scheduled to be held at Chowk Pul Bangash on 26th February, 1971, but it could not be held because he was not able to arrange for any speakers. This statement of Subhash Arya (RIW 35) clearly implies that the permission for holding this public meeting was obtained but the reason for not holding it was different. We, however, find it difficult to believe that this public meeting could not be held on account of want of speakers. It is a most unconvincing explanation given by Subhash Arya (RIW 35) for the purpose of explaining away this public meeting. In fact, the list Ex. PW 6/5 clearly shows that a public meeting was held at Pul Bangash on 26th February, 1971. We are, therefore, satisfied from the evidence on record that his public meeting was held in connection with the election of the first respondent.

The claim of the petitioner in regard to the public meeting said to have been held by the first respondent at Sadar Nala Road on 15th February, 1971 is, however, not well founded. There is no evidence at all to show that this public meeting was held. The only piece of evidence on which the petitioner could rely was the intimation Ex. PW 6/2 given by the Superintendent of Police, North District, Delhi to the Deputy Inspector General of Police, Delhi that the Congress had decided to hold a public meeting at Sadar Nala Road on 15th February, 1971 and assistance should be provided to the local police in maintaining law and order. But from this piece of evidence alone, without anything more, it cannot be concluded that the public meeting referred to in this intimation was in fact held. Subhash Arya (RIW 35) stated in his evidence that a public meeting was undoubtedly scheduled to be held at Sadar Nala Road on 15th February, 1971, but it had to be cancelled because no arrangement could be made in regard to speakers. This statement of Subhash Arya (RIW 35) stands uncontested by any positive evidence on behalf of the petitioner in regard to the holding of this public meeting, unlike the case in regard to the public meeting at Pul Bangash on 26th February, 1971. We therefore, reject the claim of the petitioner that any such public meeting was held at Sadar Nala Road on 15th February, 1971.

We have discussed the evidence in regard to the number of public meetings held in connection with the election of the first respondent in great detail because we are taking a new different from the one taken by the learned Trial Judge and, in all fairness to the learned Trial Judge as well as to the first respondent, we think it necessary that we should articulate our reasons fully. The above discussion shows that in addition to the twenty three public meetings admitted by the first respondent nine further public meetings were held at the following places and on the following dates, namely :

1. Amar Puri colony on 26-2-1971
2. Chowk Azad Market on 26-2-1971
3. Chhoti Masjid, Bara Hindu Rao on 26-2-1971
4. Pahari Dhiraj on 27-2-1971
5. Chhe Tooti on 12-2-1971
6. Hathi Khan Bahadurgarh Road on 26-2-1971
7. Near Police Post Nabl Karim on 26-2-1971
8. Multani Dhanda on 22-2-1971
9. Pul Bangash on 26-2-1971

The first respondent owned the responsibility for expenses in respect of the twenty three public meetings admitted by him and the only question could be in regard to the expenses of the additional nine meetings above-mentioned. It was not the case of the first respondent that any public meetings were held in connection with his election which were financed by the Congress or any other individual. The first respondent in fact admitted in his cross-examination that he "bore the expenses of all the election meetings in my constituency". There can, therefore, be no scope for the argument that the expenses of any of these nine public meetings were not met by any organisation or individual other than the first res-

pondent. In any event, even if the expenses of some out of these nine public meetings were incurred by the District Pradesh Congress Committee or any other branch of the Congress organisation or any other friend or supporter, such expenses must be held to be authorised by the first respondent, because the first respondent knowingly took advantage of such public meetings by participating in them and consented to or at any rate, acquiesced in such expenses and, in any view of the matter, failed to disavow them. The question which we must, therefore, proceed to consider is as to what were the expenses incurred or authorised by the first respondent in connection with these twenty three plus nine public meetings

Now, the first respondent disclosed in his return of expenses only three amounts, namely, Rs. 180, paid to Tandon Tent and Furniture House, Rs. 180 paid to Saini Electric Works and Rs. 440 paid to Agarwal Tent House, and his case was that these were the only three amounts spent by him in connection with his public meetings which were twenty three in number. Since we have held that nine more public meetings were held in addition to the twenty three admitted by the first respondent, it must follow that the first respondent suppressed the expenditure incurred or authorised by him on these nine further public meetings. What should be the approach of the Court when the Court finds that certain items of expenses are suppressed by a candidate is a matter which we shall presently discuss. But before we do that, we must examine the question whether the expenditure shown by the first respondent in connection with twenty three public meetings admitted by him is genuine. Did the first respondent spend only three amounts of Rs. 180, Rs. 180 and Rs. 440 in connection with these public meetings or these amounts represent a very much lower figure than what was actually spent by the first respondent. The expenditure of these amounts was sought to be supported by the bill of Tandon Tent and Furniture House, the receipt of Saini Electric Works and the bill of Agarwal Tent House. The case of the first respondent was that furnishings in connection with twelve public meetings were supplied by Tandon Tent and Furniture House and electric equipment by Saini Electric Works and furnishings and electric equipment in connection with the remaining eleven public meetings were supplied by the Agarwal Tent House. However, strangely enough, when the first respondent was asked in cross-examination, he could not say as to which were the public meetings to which Tandon Tent & Furniture House and Saini Electric Works supplied furnishings and electric equipment and which were the public meetings to which furnishings and electric equipment were supplied by Agarwal Tent House. If in fact, furnishings and electric equipment were supplied by Tandon Tent and Furniture House, Saini Electric Works and Agarwal Tent House and the arrangements with these three firms had been made personally by the first respondent, as claimed by him in his evidence, it is difficult to understand why the first respondent could not specify the public meetings catered by Tandon Tent, Furniture House and Saini Electric Works and the public meetings catered by Agarwal Tent House. Surely, the first respondent must have maintained some records to show to which public meetings, furnishings and electric equipment were supplied by these three firms; otherwise, how could he have checked whether the bills submitted by these three firms were correct. The inability to produce the records and to particularise the specific public meetings catered by these three firms is a factor which throws considerable doubt

on the genuineness of the story of the first respondent that furnishings and electric equipment were supplied by these three firms. It is also rather strange that the first respondent could not give particulars of the furnishings and electric equipment actually supplied by these three firms.

It may also be noted that the bill of Tandon Tent and Furniture House was sought to be proved by the first respondent by examining Bhagmal Tandon (RIW 14), the sole proprietor of the firm as a witness. But so far as the receipt of Saini Electric Works and the bill of Agarwal Tent House were concerned, the first respondent did not call any representatives of these two firms to give evidence and prove the contents of these documents. Since the correctness and genuineness of these documents was challenged on behalf of the petitioner, the first respondent ought to have summoned the representatives of these two firms and led their evidence for the purpose of establishing that in fact they supplied furnishings and electric equipment and charged no more than the amounts shown in these documents. The first respondent, however, did not choose to do so and preferred to rest his case merely on his oral testimony which was so vague and evasive as not to give even the particulars of the specific public meetings at which furnishings and electric equipment were supplied by the different firms. It may also be pointed out that so far as Saini Electric Works is concerned, not even the bill of this firm was attempted to be produced by the first respondent. The receipt of this firm which was produced from the records of the Chief Electoral Officer merely showed a sum of Rs. 180 as having been received from the first respondent "on account of loudspeaker and light arrangements for the period from 20th February, 1971 to 2nd March, 1971". It did not show where 'loudspeaker and light arrangements' were supplied, what was the number of public meetings at which the supply was made, how many loudspeakers were supplied and what was the nature and extent of the lighting arrangements made at each public meetings. The rate at which "loudspeaker and light arrangements" were supplied was also not mentioned in the receipt. The receipt also did not refer to supply of microphones and, therefore, presumably, microphones were not supplied by Saini Electric Works and the amount of Rs. 180 did not cover any charges on that account.

The evidence of Subhash Arya (RIW 35) also exposes the infirmities in the case of the first respondent on this point. Subhash Arya (RIW 35) in his evidence made a distinction between big public meetings and small public meetings and state that "for big public meetings respondent No. 1 had instructed him to place an order with Tandon Tent House to supply furniture etc. Other than electricity. Electricity material was supplied by Saini Electrical Works. For smaller public meetings the furniture etc. used to be supplied by Agarwal Tent House". There were, according to this witness, twelve big meetings and eight out of these big public meetings were held at Clock Tower, Bara Tooti, Chowk Neemwala, Tel Mandi, Chhe Tooti, Chuna Mandi, Kasabpura and Deputy Ganj and the remaining four, in Pahar Ganj. It is clear from the particulars of the twenty three public meetings admitted by the first respondent that out of the aforesaid eight big public meetings referred to by this witness, there were held prior to 20th February, 1971 one at Clock Tower on 16th February, 1971, the other at Tel Mandi, on 19th February, 1971 and the third at Kasabpura on 13th February,

1971. Now, if furnishings at big public meetings were supplied by Tandon Tent & Furniture House, as claimed by Subhash Arya (RIW 35), it must follow that furnishings at these three big public meetings held at Clock Tower, Tel Mandi and Kasabpura prior to 20th February, 1971 must also have been supplied by Tandon Tent & Furniture House. But the bill of Tandon Tent & Furniture House shows that furnishings were supplied only at "12 public meetings held in the month 20/2/71 to 2/3/71" and no furnishings were supplied at any public meetings held prior to 20th February, 1971. If that be so, Tandon Tent & Furniture House could not possibly have supplied furnishings at the three big public meetings held at Clock Tower, Tel Mandi and Kasabpura prior to 20th February, 1971. This casts grave doubt on the case of the first respondent that furnishings were supplied by Tandon Tent & Furniture House at twelve public meetings held by the first respondent and irresistibly leads to the conclusion that the bill of Tandon Tent & Furniture House, is, to say the least, highly suspicious. The case of the first respondent in regard to furnishings and electrical equipment supplied by Agarwal Tent House also suffers from the same infirmity. Agarwal Tent House, according to Subhash Arya (RIW 35), supplied furnishings and electrical equipment at smaller public meetings. The public meetings at 'P' Block, Andha Mughal on 1st March, 1971 was admittedly a small public meeting" and therefore, if the case of the first respondent were true, furnishings and electrical equipment at this public meeting should have been supplied by Agarwal Tent House. But the bill of Agarwal Tent House showed that furnishings and electrical equipment were supplied by that firm only at eleven public meetings held in the month of February, 1971. It is therefore, obvious that, according to this bill, furnishings and electric equipment could not have been supplied by Agarwal Tent House at this public meeting held on 1st March, 1971. The bill of Agarwal Tent House thus does not fit in with the evidence and it is difficult to accept it as genuine. The only way in which the first respondent tried to get out of this rather difficult situation was by saying that the distinction made by Subhash Arya (RIW 35) between big meetings and small meetings was a distinction without a difference made under some mis-apprehension and this explanation appealed to the learned Trial Judge. But it is difficult to see how one could explain away this distinction in such a case manner, when Subhash Arya (RIW 35) put forward this distinction deliberately and advisedly as part of the case of the first respondent and there was nothing in this evidence to suggest that it was made under any mis-apprehension.

Then again, it may be noted that the bill of Agarwal Tent House referred to two public meetings, one at Gulabi Bagh and the other at Sadar Bazar and charged for furnishings and electric equipment said to have been supplied at these two public meetings. The first respondent, however, denied that any public meeting was held by him at Sadar Bazar and in the absence of any positive evidence to the contrary, we must accept this denial as correct. So far as the public meeting alleged to have been held at Gulabi Bagh is concerned, the first respondent at one place in his evidence disclaimed any knowledge as to where Gulabi Bagh was situate, but subsequently, in the course of his cross-examination, he unwittingly blurted out that Gulabi Bagh was at a distance of two or two and a half miles.

from the shop of Agarwal Tent House, which means that he knew where Gulabi Bagh was. Now, according to the list of twenty three public meetings given by the first respondent, there was no public meeting at Gulabi Bagh and yet the bill of Agarwal Tent House referred to a public meeting at Gulabi Bagh. The first respondent was, therefore, constrained to put forward a rather ingenious explanation in the course of arguments that Gulabi Bagh was in the area known as Andha Mughal and the reference in the bill of Agarwal Tent House, was, therefore, to the public meeting in Andha Mughal. But this explanation is, palpably incorrect, because the only two public meetings out of those admitted by the first respondent which took place in Andha Mughal were at 'P' Block, Andha Mughal and 'K' Block, Andha Mughal, and Gulabi Bagh, Andha Mughal is clearly and indisputably a different area from P Block or 'K' Block, Andha Mughal. There was, therefore, no public meeting of the first respondent held at Gulabi Bagh. The bill of Agarwal Tent House which refers to the public meetings at Gulabi Bagh and Sadar Bazar cannot, in the circumstances, be looked upon as a document inspiring confidence and no reliance can be placed upon it.

There are also certain other infirmities which stare us in the face if we examine the matter a little more closely. The bill of Agarwal Tent House showed a lump sum of Rs. 100 for cartage charges and a lump sum of Rs. 40 for labour charges in respect of furnishings and electrical equipment supplied at eleven public meetings held by the first respondent. That would mean that an aggregate sum of Rs. 300 was charged by Agarwal Tent House to the first respondent by way of hire for furnishings and electrical equipment and the rate of hire thus came to about Rs. 27 per public meeting. So far as the bill of Tandon Tent and Furniture House is concerned, it did not make any separate memo of cartage of labour charges in respect of furnishings supplied at twelve public meetings of the first respondent. The explanation of the first respondent as well as Bhagmal Tandon (R 17 : 4), the sole proprietor of this firm, was that the rate of Rs. 15 per public meeting mentioned in this bill was inclusive of cartage and labour charges and that is why these charges were not separately shown as in the bill of Agarwal Tent House. Obviously, some such explanation had to be given by the first respondent, because no separate amount in respect of cartage and labour charges was shown by him in his return of expenses. But that expenses completely the dubious character of the bill of Tandon Tent & Furniture House. The cartage and labour charges, according to the bill of Agarwal Tent House, were Rs. 13 per meeting. We will assume in favour of the first respondent that the cartage and labour charges in respect of furnishings supplied by Tandon Tent & Furniture House and the electrical equipment supplied by Saini Electrical Works were the same, namely, Rs. 13 per public meeting, even though the furnishings, supplied by Tandon Tent & Furniture House were in much greater quantity than those supplied by Agarwal Tent House. But even on that minimal footing, the aggregate charges by way of hire for furnishing supplied by Tandon Tent & Furniture House and electric equipment supplied by Saini Electrical Works would come to Rs. 17 per public meeting. It is not strange and almost incredible that the hire charges for furnishings and electrical equipment by Agarwal Tent House at small public meetings should be Rs. 27 per public meeting while the hire charges for furnishings supplied by Tandon Tent & Furniture House and the electrical equipment supplied by Saini Electrical Works at big public meetings should be only Rs. 17 per public meeting. The furnishings supplied by Tandon Tent & Furniture House were admittedly much more in quantity than those supplied by Agarwal Tent House and, therefore the hire charges of Tandon Tent & Furniture House and Saini Electrical Works should have been higher than those of Agarwal Tent House. But strangely enough they were lower by about Rs. 10 per public meeting. It would be straining our credulity to the utmost to accept this fantastic theory.

We may also point out that it is rather strange that the first respondent should have entered into arrangements with Tandon Tent & Furniture House and Agarwal Tent House to supply fixed items of furnishings, irrespective of the nature of size of the public meeting. Would the nature and quantity of the items of furnishings required at public meeting not depend on the place or locality in which the public meeting is to be held—whether the audience expected would be

large or small? This is of course not a circumstance on which we place much reliance but it cannot be said to be wholly without significance. Then again it may be noted that the rate of about Rs. 27 per public meeting by way of hire for furnishings and electric equipment supplied by Agarwal Tent House as also the rate of Rs. 15 per public meeting for furnishings supplied by Tandon Tent House & Furniture House and the rate of Rs. 15 per public meeting for electrical equipment supplied by Saini Electric Works—both the latter rates being inclusive of labour and cartage charges—are absurdly low and can hardly be regarded as genuine. It was not the case of the first respondent that the rates charged by these three firms were concessional rates. In fact, Bhagmal Tandon (RIW 14), who is the proprietor of Tandon Tent & Furniture House, stated in his evidence that the rates charged by him from the first respondent were the usual market rates. If we look at the bills Exs. 15/1-A, PW 15/1-B, and PW 15/1-C produced by Permod Kumar (PW/15), it is clear that the market rates particularly for the supply of electrical equipment were very much higher than those shown to have been charged by these three firms.

We may then examine the evidence of Bhagmal Tandon (RIW 14), who came as a witness on behalf of the first respondent. He stated in his evidence that he did not receive any order from the first respondent to supply furnishings during the election but it was Subhash Arya (RIW 35) who placed orders with him "to arrange for furniture for election meetings of respondent No. 1." He deposed that the bill in respect of furnishings supplied by him was submitted by him to the first respondent and the received payment of the amount of the bill against the receipt Ex. W. 8. He was severely cross-examined on behalf of the petitioner and in his cross-examination, he admitted that even during the previous elections he had worked for the first respondent who had stood as a candidate on behalf of the Congress. He stated that he maintained only a bill book, a ledger and a cash book and he produced these books of account in Court. The bill book contained the carbon copies of the bills issued by the witness during the period 6th February, 1971 to 21st March, 1971. The bill for the furnishings supplied to the first respondent bore the number 8170 and a carbon copy of it found a place in the bill book. This bill was for Rs. 180 and it was dated 4th March, 1971. There were carbon copies of bills Nos. 8167, 8168 and 8169 in the bill book which all bore the date 4th March, 1971. The aggregate amount of these four bills, namely, Bills Nos. 8167, 8168, 8169 and 8170, came to Rs. 189.75 and this aggregate amount appeared to have been carried to the cash book and entered in the credit side under the date 4th March, 1971 at page 93 of the cash book. The particulars of this entry in the cash book showed that the amount of Rs. 189.75 was credited as representing cash received in respect of bills Nos. 8167 to 8170. This amount of Rs. 189.75 was then carried to the ledger at page 15 and credited in the account headed "Cash hire in respect of Goods" under the date 4th March, 1971. Now, if these entries in the cash book and the ledger are genuine they would go along way to support the genuineness of the bill No. 8170 said to have been submitted by Tandon Tent & Furniture House to the first respondent. But, we do not think we can, with any degree of confidence, place reliance on these entries. It is well known in book-keeping that it is the cash book which is the primary book and the ledger is only a subsidiary book which is always prepared from the cash book at periodic intervals. We must, therefore, first examine whether the entry of Rs. 189.75 in the cash book can be regarded as genuine. This entry in the cash book shows that the amount of Rs. 189.75 was received in cash on 4th March, 1971 in respect of bills Nos. 8167 to 8170. That would mean that the amount of Rs. 180/- in respect of bill No. 8170 was received by Tandon Tent & Furniture House from the first respondent in cash on 4th March, 1971. But, if we look at the original bill No. 8170, we find an endorsement at the foot of that bill showing that the amount of that bill, namely, Rs. 180/-, was paid to Tandon Tent & Furniture House on 7th April, 1971. That is also borne out by the receipt R-8 dated 7th April, 1971 said to have been passed by Bhagmal Tandon (RIW 14) on behalf of Tandon Tent & Furniture House in favour of the first respondent. But, if the amount of the bill was paid by the first respondent to Tandon Tent & Furniture House on 7th April, 1971; it is difficult to see how it could be shown in the cash book as having been received on 4th March, 1971. In fact, if we look at the cash book, it is apparent, even to the naked

eye, that the whole of it seems to have been written out in the same ink at one and the same time. We have in the course of our experience yet to come across a genuine cash book written with such neatness, uniformly with the same pen and in the same shade of ink over a hundred pages. We cannot place any reliance on the entry of Rs. 189.75 under date 4th March, 1971 at page 93 of the cash book and the corresponding entry at page 15 of the ledger must also likewise be regarded as unreliable. It is no doubt true that the bill book produced by Bhagmal Tandon (RIW 14) contained a carbon copy of bill No. 8170 alleged to have been issued by Tandon Tent & Furniture House to the first respondent. But we are not at all satisfied about the genuineness of this bill. We have already set out some of the reasons why we find it difficult to accept this bill as genuine. We may add two or three more reasons for taking this view. In the first place, if we look at the bill book, it is evident that this is the only bill which has been made out in English. The rest of the bills are all in Urdu. Secondly, it is apparent from the receipt Ex. R-8 and this Bhagmal Tandon (RIW 14) was forced to admit in cross-examination that the bill number originally written in that receipt was different and it was struck off and in its place bill No. 8170 was mentioned. That raises a certain amount of suspicion as to genuineness of bill No. 8170. Then again it is rather strange that Bhagmal Tandon (RIW 14) should have no record in his possession to show which were the public meetings at which furnishings were supplied by his firm and what were the dates on which such public meetings were held. It is also surprising that bill No. 8170 submitted by him to the first respondent should not mention the dates and places of the public meetings at which furnishings were supplied by his firm. Bhagmal Tandon (RIW 14) could not even state from memory as to which were the places at which the public meetings catered by his firm were held. He said in his evidence quite unwittingly that he used to receive chits or telephone calls "containing requirements for the election meetings of respondent No. 1". But immediately realising that he had slipped into a rather inconvenient statement, he corrected himself by saying that the chits which were received merely indicated the places where the material had to be supplied and it had already been agreed as to what he was supposed to supply at each public meeting. When asked to produce these chits, he stated that they had not been retained by him and were destroyed as soon as the final account was made up on 4th March, 1971. It may be noted that the version of Om Prakash Maken (RIW 1) in this connection was a little different. He did not support the story of chits, but stated that "our volunteers used to go and specify the requirement for each meeting". Then Bhagmal Tandon (RIW 14) was questioned whether any receipts were obtained evidencing delivery of the furnishings to the representatives of the first respondent. He first blundered into the statement that he maintained copies but immediately resiled from it by saying that he maintained a bound book of printed forms and every time that a *thelewala* went to deliver furnishings at a public meeting, he would tear off a printed form from this bound book and give it to the *thelewala* to obtain the signature of the person who received the furnishings and the *thelewala* would bring back that printed form duly signed by such person. No copies of these printed forms of receipt were however maintained by him and the originals were torn off by him after the account was settled with the first respondent on 4th March, 1971. He was then cross-examined with regard to payment of cartage charges to the *thelewalas*. He stated that he used to pay the *thelewalas* at the rate of Re. 1/- or Re. 1.50 for each one way trip and thus, according to him, the cartage charges came to about Rs. 3 per each return trip. Since the cartage charges of Rs. 3/- per each return trip would be a legitimate business expenditure incurred by him which he would be entitled to claim by way of deduction in his income tax assessment, he was asked whether it was recorded in his account books. But he was not in a position to show any entries in the account books relating to payment of the cartage charges and he was, therefore, constrained to say that he used to make this payment from this pocket & did not record it anywhere in his books. This is an explanation which is difficult to swallow. No businessman would fail to show in his account books expenditure incurred by him in the course of his business which he can claim as a deduction in his income tax assessment. We are, therefore, not at all satisfied that furnishings were supplied by Tandon Tent & Furniture House as claimed by the first respondent

and Bhagmal Tandon (RIW 14) and we cannot accept bill No. 8170 alleged to have been submitted by that first to the first respondent as genuine.

Since, in the view taken by us, the bills of Tandon Tent & Furniture House and Agarwal Tent House and the receipt of Saini Electric Works do not appear to be genuine and they do not correctly show the expenses incurred by the first respondent in regard to the twenty three public meetings admitted by him, it becomes necessary for us to inquire what were the expenses actually incurred by the first respondent in connection with the twenty three public meetings admitted by him as also nine further public meetings proved to have been held in support of his election. Now, except in case of two public meetings, one at Tel Mandi on 19th February, 1971 and the other at Chuna Mandi on 22nd February, 1971, no evidence was led on behalf of the petitioner to show the actual expenses incurred by the first in regard to any of these public meetings. Indeed, the petitioner could not possibly lead any such evidence, because what expenses were actually incurred would be a matter within the special knowledge of the first respondent. But that does not mean that on the material on record, the Court cannot arrive at a reasonable estimate of all expenses incurred by the first respondent. It is now well settled by the decision of this Court in *Megraj Patodia v. R. K. Birla*, that "if the court comes to the conclusion that an item of expenditure has been suppressed in the return of election expenses, the more fact that there is not sufficient evidence about the amount that must have been spent is no ground for ignoring the matter. It is the duty of the court to assess all expenses as best it can and though the court should not enter into the region of speculation or merely try to guess the amount that must have been spent, it would generally be possible to arrive at an amount of expenditure on a conservative basis and where it is possible to arrive at any such estimate, such estimate amount should be held as not shown by the candidate in his election account". See also *P. C. P. Raddiar v. S. Perumal*.⁽⁵⁾ The Court cannot fold its hands and surrender in helplessness because the respondent refuses to cooperate and assist and holds back the relevant information in his possession. The Court in such a case is not powerless to arrive at the truth as best as it can. The Court can and must, as far as possible, assess the amount of expenditure on the basis of the material on record when it finds that there is suppression of some item of expenditure or the item is deliberately shown as less than what must have actually been incurred. Here in the present case the first respondent has not only suppressed the items of expenditure on nine further public meetings but also the items of expenditure on admitted twenty three public meetings are deliberately shown at a much lesser figure than what must have actually been incurred. We must, therefore, examine whether there is sufficient material before us on the basis of which we can arrive at a reasonable estimate of the expenses incurred by the first respondent in connection with the admitted twenty-three public meetings and the further nine public meetings.

Now the material before us for estimating the expenditure which must reasonably have been incurred by the first respondent in connection with his public meetings is of two kinds; one consists of documentary evidence in the shape of Exs. PW 15/1-A, PW 15/1-B and PW 15/1-C and the other consists of oral evidence of witnesses. Since documentary evidence always carries greater weight and assurance than oral evidence and it is safer to rest a conclusion on documentary evidence rather than oral evidence which may sometimes be treacherously deceptive and difficult of correct evaluation, we would first examine the documentary evidence and see how far it helps us to determine the expenditure incurred by the first respondent. The petitioner called in evidence Permod Kumar (PW 15) and the documentary evidence in the shape of Exs. PW 15/1-A, PW 15/1-B and PW 15/1-C was produced by this witness. This witness stated in his evidence that he carried on business of hiring out furnishings and electrical equipment and in course of his business he "hired out durries, stage, loudspeakers etc. to respondent No. 1 during the election period". He produced from his bill book carbon copies of three bills in respect of furnishings and electrical equipment hired out by him to the first respondent. One was bill No. 263 dated 20th February, 1971 for Rs. 368, the other was bill No. 270 dated 24th February, 1971 for Rs. 414.50 and the third

was bill No. 271 dated the 24th February, 1971 for Rs. 360/-. He said that one or two days before the date of the first bill, the first respondent had come to him accompanied by Sat Prakash Makan and one other person whose name he did not remember and placed an order with him "with respect to all the three bills" and the furnishings and electric equipment mentioned in these three bills were supplied by him according to the order placed by the first respondent and the payment of the amounts of these three bills was made to him personally by the first respondent. The copies of these three bills were marked Exs. 15/1-A, PW 15/1-B and PW 15/1-C. The first respondent challenged the genuineness of these three bills and the learned Trial Judge felt serious doubt about the authenticity of these three bills and declined to act upon them. We do not think the learned Trial Judge was right in casting doubt on the genuineness of these three bills. There is absolutely no reason why these three bills should be regarded as unworthy of credibility. Permod Kumar (PW 15) who produced and proved these three bills is a completely independent witness who has no interest in one side or the other. It was faintly suggested to him in cross-examination that he was a member of the Jan Sangh and he worked for Jan Sangh candidates in the election but this suggestion was stoutly denied by him and in fact there is nothing to show that he was in any way interested in the Jan Sangh. It was then put to him that he was a partner of one Padmachand Goel who was a member of the Delhi Municipal Corporation on Jan Sangh ticket. He admitted that there was a partnership between him and Padmachand Goel entered into in 1966 but that partnership was dissolved within three or four months after Padmachand Goel became a member of the Delhi Municipal Corporation. It does not follow merely because an erstwhile partner of this witness was a member of the Jan Sangh, that he too should be having interest in the Jan Sangh. It would be too much to presume that a person without any political affiliation cannot have any business relationship with a member of a political party, and if there is any business relationship, it must be presumed that both belong to the same political party. In fact we find from the carbon copies of bills Nos. 296 and 297 in the bill book Ex. PW 15/1 that this witness supplied material on hire even to the Youth Congress which is avowedly a Congress organisation. There is absolutely no reason suggested why this witness should have gone to the length of fabricating false documents for the purpose of supporting the case of the petitioner. The carbon copies of the bills Ex. 15/1-A, PW 15/1-B and PW 15/1-C find place in their proper serial order in a bound bill book and it is indeed difficult to appreciate how they could be subsequently introduced in the bill book unless of course the suggestion be that the whole of the bill-book was fabricated for the purpose of this case. This was, however, not the suggestion made to the witness in cross-examination. In any event we have carefully gone through the whole of the bill book which is marked Ex. PW 15/1 and we do not find any indication in it which might betray that it is a subsequently got up bill book. Even the bill-book for the immediately preceding period was produced by this witness and it is marked Ex. PW 15/2. That bill-book contains carbon copies of bills commencing from No. 201 and ending with No. 250 and the bill book Ex. PW 15/1 starts from carbon copy of bill No. 251 and ends with carbon copy of bill No. 300. The carbon copies of the bills in both these bill-books appear to be quite natural and regular and no valid reason has been suggested as to why we should regard them with suspicion. It is no doubt true that it was elicited in the cross-examination of this witness that he did not maintain any cash-book or ledger or any other account book but that is not such an unusual circumstance as to lead us to believe that the carbon copies of the bills produced by him were not genuine. It is not at all improbable that the only record which the witness maintained was the bill-book, because by the very nature of his business, the bill-book would contain a complete record of the amount of hire received by him. The carbon copies of the bills not only show the names of the parties to whom materials are given on hire but also the dates and the particulars of the items and the hire charges in respect of the same. The witness also admitted in cross-examination that he did not maintain any receipt books but that is also not at all unusual. One does not need to have a regular receipt book. A receipt can always be given on the bill submitted to the customer. Then same minor discrepancies were sought to be shown in the carbon copies

of one or two other bills in the bill book. One was in respect of bill No. 256. It was pointed out to the witness that bill Nos. 254 and 255 both dated 15th February, 1971, while bill No. 256 bore date 14th February, 1971 and he was asked how a later bill could bear an earlier date than the earlier bills. The witness pointed out that that was an obvious mistake and there is no doubt that it was so. It is apparent from the carbon copies of bills No. 254, 255 and 256 that bill No. 256 was in continuation of bills Nos. 254 and 255, forming part of one single bill in the name of K. K. Bajaj, and since the later two bills bore date 15th February, 1971, the former should also have been dated 15th February, 1971, but through some obvious error the date came to be mentioned as 14th February, 1971. No point can be made of this obvious mistake. Then the attention of the witness was drawn to some bills in the bill books PW 15/1 and PW 15/2 which were shown as cancelled, and there was some cross-examination of the witness on this point. But we fail to see how this circumstance is of any help to the first respondent. It is clear from the bill books Exs. PW 15/1 and PW 15/2 that whenever a bill was cancelled, the original as well as the carbon copy were marked "cancelled" or crossed out. Now, there is nothing unusual in cancelling a bill if it is found that there is some mistake made while writing it out. This happens sometime even to the most careful of men and is not a circumstance which should be regarded in any manner as suspicious. The important thing is that the originals as well as the carbon copies of the cancelled bills are retained in the bill books. That would show the regular manner in which the bill books are maintained by the witness. There are no blank bills in the bill books PW 15/1 and PW 15/2 which could have been utilised subsequently for the purpose of fabricating a bill as of an earlier date. The suggestion made in the cross-examination of course was that there were blank bills in the bill book PW 15/1 and these were utilised for the purpose of making out false bills in the name of the first respondent. But this suggestion is wholly unwarranted and is not supported by anything in the bill book PW 15/1 or PW 15/2. There are only three cancelled bills in the bill book PW 15/. They are bills nos. 253, 296 and 295. It will be seen that none of these three bills is blank. Each one of them has been made out in the name of some party or the other and then it has been cancelled. The same position obtains in regard to bills Nos. 207, 208 and 229 in bill book PW 15/2. It is apparent in the case of some of these bills that they were cancelled because of some mistake and then new bills were made out in the names of the same parties. Compare, for example, cancelled bill No. 229 with bill No. 231, cancelled bill No. 208 with bill No. 209 and cancelled bill No. 253 with bill No. 254. There is no reason why any blank unutilised bills should have been allowed to remain in the bill books. That is not done by people who maintain their accounts in the regular course of business. Permod Kumar (PW 15) could not have anticipated on 20th February, 1971 that some blank bills might come in handy at a future point of time and he should, therefore, leave some blank bills in the bill books. It is also difficult to believe that there should have been a blank bill No. 263 and again three continuous blank bills at Nos. 269, 270 and 271. We find it impossible to accept this theory of fabrication of bills Exs. PW 15/1-A, PW 15/1-B and PW 15/1-C by utilising blank bills in the bill book Ex. PW 15/1. Moreover, there is inherent evidence in these bills which indicates their genuineness. The charge for a complete stage of 12' x 10' size and 5' height with chaddar, durries and carpets is shown in the bill Ex. PW 15/1-A as Rs. 40/- per day. That appears to be quite reasonable compared to the ridiculously low figures given in the bills of Tandon Tent & Furniture House and Agarwal Tent House. Similarly, the charge for one "loudspeaker service with five units and double mike with stand by battery arrangements" is shown in the bill Ex. PW 15/1-A as Rs. 90/- and for one loud speaker service with eight units and double mike with stand-by battery arrangements is shown in the bill Ex. PW 15/1-B as Rs. 120/-. While according to the bills of Agarwal Tent House and the receipt of Saini Electric Works, it would be only about Rs. 6/- because out of Rs. 15/- shown by them, a minimum amount of Rs. 3/- to Rs. 4/- would be taken up by cartage and labour charges and the hire of four flood lights at the Rs. 150/- per flood light would come to Rs. 6/-. It is possible to believe that in the year 1971 two microphones-even one, we may assume, with five loudspeakers and stand-by battery arrangements coupled with the services of an atten-

dant to look after the unit could be available for Rs. 6/- for a period of about four hours in the city of Delhi? It is an insult to our intelligence to be told that the charge would be something as low as Rs. 6/- or for the matter of that, even Rs. 15. Then again, it may be noticed that the bills Ex. PW 15/1-A and PW 15/1-B were in respect of hire charges for the material supplied at the public meetings at Tel Mandi on 19th February, 1971 and Chuna Mandi on 22nd February, 1971. Both these public meetings were big public meetings which, according to the evidence, were attended by more than 2000 people and it is, therefore, quite reasonable to assume that a large number of durries must have been required at each of these two public meetings as mentioned in the bills Exs. PW 15/1-A and PW 15/1-B. The bill Ex. PW 15/1-C showing hire charges for sets of battery operated loudspeakers for announcing on scooter for two days is also quite natural because it is in evidence that announcements of public meetings were made from scooters and battery operated loudspeakers must have been utilised for the purpose. It is significant that the first respondent has not shown hiring of battery operated loudspeakers from any other party. We are, therefore, satisfied beyond doubt that the three bills Exs. PW 15/1-A, PW 15/1-B and PW 15/1-C are genuine and they correctly show the expenses incurred by the first respondent.

Now the bills Exs. PW 15/1-A and PW 15/1-B serve two purposes. They not only show the actual expenses incurred by the first respondent in connection with public meetings at Tel Mandi on 19th February, 1971 and Chuna Mandi on 22nd February, 1971, but also provide reliable material for making a reasonable estimate of the expenses which must have been incurred by the first respondent in connection with other public meetings. The actual expenses in connection with the public meeting at Tel Mandi on 19th February, 1971 was Rs. 350/- according to Ex. PW 15/1-A and in connection with the public meeting at Chuna Mandi on 22nd February, 1971 it was Rs. 400/- as appearing from Ex. PW 15/1-B. We may err on the side of conservation and take the lesser of these two figures, namely Rs. 350/-, as a basis for making a reasonable estimate of the expenditure in connection with other public meetings. This would mean that there must have been expenditure of about Rs. 350/- per public meeting in connection with public meetings of the type which were held at Tel Mandi on 19th February, 1971 and Chuna Mandi on 22nd February, 1971. These were obviously bigger meetings and for the smaller ones, the expenditure would be somewhat less and we may reasonably estimate it at Rs. 150/- per public meeting on a most conservative basis.

This estimation is amply supported by the oral evidence in the case. We do not propose to refer to the evidence of all the witnesses examined on behalf of the petitioner on this point, because a large number of them were openly and avowedly supporters of Jan Sangh and it would not be safe to rely on their uncorroborated testimony for the purpose of founding a charge of corrupt practice against the first respondent. But there are a few witnesses whose evidence inspires confidence and we shall discuss their evidence. The first witness we must refer in this connection is Chunni Lal (PW 32). He was himself a candidate at the election sponsored by Congress (O) and figured as respondent No. 3 in the petition. We have gone through his evidence carefully and critically and he has impressed us as a witness of truth. It may be noted that though he was a candidate at the election, he was not interested either in the Jan Sangh or in the Congress. Being a member of Congress (O) he was opposed both to the Congress and the Jan Sangh. The evidence he gave was quite restrained and he did not indulge in any exaggerated statements. His frankness and guilelessness are evident from his admission in cross-examination that he was "fond of contesting election for parliament, corporation or metropolitan council". His pathetic statement that all his workers abandon him "one the eve of the day of polling" is also quite eloquent of his sincerity and truthfulness. He stated in his evidence that the public meetings held by the Congress were "shandar". "There used to be stage covered with durries and chandinis, loudspeakers, carpets and lights. The stage was made attractive to attract the people." He frankly admitted that Jan Sangh meetings had also the same furnishings and electrical equipment but stated that "Jan Sangh meetings were not so 'shandar' as the Congress meetings". He then deposed to a

public meeting held by him in Bara Hindu Rao. He stated that this public meeting held by him was very small but even then, it cost him between Rs. 150/- and Rs. 200/-. We are inclined to accept this evidence as it appears to us to have a ring of truth. Now, there can be no doubt that if a small public meeting held by Chunni Lal (PW 32) cost him Rs. 150/- to Rs. 200/-, a much more "shandar" public meeting held by the Congress would certainly cost anything more than Rs. 200/-. The estimate of Rs. 150/- per public meeting can, therefore, safely be regarded as a reasonable estimate.

We may also refer to the evidence of Dharamvir (PW 56). This witness was also an independent witness having no interest either in Jan Sangh or in Congress. When questioned in regard to his association with Jan Sangh he stated emphatically and in clear terms that he was neither a worker nor a member of the Jan Sangh. It was suggested to him that his brother Jagdish was a Secretary of a Mandal of Jan Sangh to which he replied that to his knowledge, at any rate, during the last six or seven years, his brother Jagdish had not been a Secretary of any Jan Sangh Mandal. He was also questioned about the political affiliation of his brother Jagdish and his answer was that he did not know whether his brother Jagdish was a member of Jan Sangh. There is nothing to show that this witness had any interest in Jan Sangh or that he belonged to the political persuasion of Jan Sangh. His evidence cannot, therefore, be assailed on the ground that he was an interested witness. Now this witness carried on business of hiring Shamyanas, furniture and marriage accessories. He stated that he attended a public meeting of the first respondent at Bara Tooti Chowk on 22nd February, 1971 the date 22nd January, 1971 given by him being an obvious mistake—and at this public meeting, he saw a stage big enough to accommodate 25 to 30 persons covered by durries, carpets, chandinis and 2 or 3 carpets, 200 durries for people to sit, two or three microphones seven or eight loudspeakers and about 30 or 35 big flood lights. The stage, according to him, must have been made of 24 or 30 takhts and there were three tiers, one above the other, in which these takhts were arranged. He then proceeded to give the rates of durries, carpets, chandinis, takhts, microphones and flood lights. He stated that the normal charges were Re. 1/- per takhat of the size 6' x 3' x 1-3/4' Rs. 2/- per chandini of the size of 12' x 9', Rs. 4/- per carpet of the size 6' x 9', 75 paise per durry of the size 12' x 9', Rs. 1.50 to Rs. 2/- for each flood light and Rs. 60/- or Rs. 70/- for the type of mike which he saw at this public meeting. He was cross-examined at length both in regard to the furnishings which he saw at this public meeting as also in regard to the rates deposed to by him, but his evidence could not be shaken in cross-examination. He of course frankly admitted that the rates he had given were of medium class goods which he kept in his shop and the rates of third class goods could be lower than those stated by him. But when he was shown the bill of Tandon Tent & Furniture House, he opined in no uncertain terms that the rates charged in that bill were low, though it was always open to a dealer to charge less if he so wanted. It may, however, be remembered in this connection that the evidence of Bhagmal Tandon (RIW 14) was that the rates charged by him were normal market rates. There can, therefore, be no doubt that the charges shown in the bill of Tandon Tent & Furniture House were not genuine charges but were deliberately deflated to suit the convenience of the first respondent. It may also be noted that the charges of Rs. 60/- or Rs. 70/- for the microphones deposed to by this witness was not at all challenged on behalf of the first respondent in cross-examination nor was the charge Re. 1.50 or Rs. 2/- for each flood light. It is, therefore, apparent from the evidence of this witness that the expenditure in connection with the public meeting at Bara Tooti Chowk on 22nd February, 1971 could not have been less than Rs. 250/- and that justifies the reasonable estimate of Rs. 150/- per public meeting.

We may also refer to the evidence of O. P. Bharti (RIW 23) in this connection. This witness was summoned on behalf of the first respondent and his evidence, therefore, assumes some importance. He was questioned in cross-examination in regard to what he saw at the public meeting of the first respondent at Bara Tooti Chowk which he attended. He stated that in this public meeting there was a stage 20 in length, 10 in width and 5 in height. The stage was covered by durries on the ground in front of the stage.

by durries and chaddars. There were two microphones. There were durries on the ground in front of the stage. There were four or five flood lights on the stage and there were electric bulbs hung at three or four poles. Now, in order to make a stage of the size deposed to by this witness, it would be necessary to have at least 30 takhtas of the size 6' X 3' X 1-3/4' and that would cost not less than Rs. 30/-. The cost of two microphones with loudspeakers would easily be in the neighbourhood of Rs. 80/- or Rs. 90/-. Then the flood lights and electric bulbs would also cost at least Rs. 15/- even on the basis that there were only 4 or 5 floodlights and electric bulbs hanging at only 3 or 4 poles, which appears to us to be quite clearly an underestimate. There would also be expense in connection with durries and Chaddars. It is true that according to this witness, the durries in front of the stage would be at the most 20 or 25 but we are not inclined to accept this statement, because in a public meeting where there are more than 2000 people, there must be many more durries than merely 20 or 25. In fact, Daulat Ram (PW 42) who was a Sub-Inspector from the CID Special Branch clearly stated that "there were a considerable number of durries" in the meeting at Chowk Bara Tooti. The expense in this connection cannot be less than Rs. 25/- to Rs. 30/-. And added to this would be cartage and labour charges which we may put at not less than Rs. 13/-. That would easily take the aggregate expenditure well above Rs. 150/- even on a most minimal basis. We do not, therefore, think that we would be unjustified in accepting a conservative estimate of Rs. 150/- per public meeting.

We, therefore, hold that the petitioner has established that the first respondent incurred expenditure of Rs. 350/- on the public meeting at Tel Mandi on 19th February, 1971, Rs. 400/- on the public meeting at Chuna Mandi on 22nd February, 1971 and Rs. 350/- for the two sets of battery operated loudspeakers for announcement on scooter. So far as the other thirty public meetings in connection with the election of the first respondent are concerned, we think that on a very conservative estimate, the first respondent must be held to have incurred expenditure of Rs. 150/- per public meeting and that would make a total expenditure of Rs. 4,500/- in connection with these thirty public meetings. The aggregate expenditure incurred or authorised by the first respondent in connection with the total number of thirty two public meetings must, therefore, add up to Rs. 5,600/-. But the first respondent showed only an aggregate expenditure of Rs. 800/- in the return of expenses filed by him and that would mean that, over and above the expenditure of Rs. 800/- shown by him, he incurred or authorised further expenditure of Rs. 4,800/- on these thirty two public meetings held in connection with his election.

That takes us to a consideration of the public meeting at Idgah Road which was addressed by the Prime Minister. So far as this public meeting is concerned, the evidence on record is not sufficient to establish that the expenses in connection with it were incurred or authorised by the first respondent. There is no reliable evidence on behalf of the petitioner to show that this public meeting was held by the first respondent or that it was a public meeting held specifically in connection with the election of the first respondent. The evidence does not even go so far as to say that this public meeting was held in the Sadar Bazar Parliamentary constituency from where the first respondent was a candidate. In fact, Govind Ram Verma (PW 19) admitted that the place where this public meeting was held was in Karol Bagh Constituency. It also came out in evidence that this public meeting was attended both by the first respondent and T. Sohail Lal and it could not, therefore possibly have been a public meeting exclusively in connection with the election of the first respondent. If it had been exclusively an election meeting of the first respondent, permission for holding it would in the ordinary course have been obtained by Dr. Roshan Lal, but Dr. Roshan Lal clearly stated in his evidence that he never applied for permission to hold this public meeting. It is true that the first respondent spent a sum of Rs. 35 for petrol for a scooter which his wife and one Miss Abrol utilised for going round asking women voters to attend this public meeting which was going to be addressed by the Prime Minister, but that does not necessarily mean that this public meeting was arranged by the

first respondent or the expenses in connection with it were incurred or authorised by the first respondent. It is quite possible that even if this public meeting was organised by his political party for the purpose of general party propaganda, the first respondent would make efforts to persuade persons within the area of his constituency to attend this public meeting as that would indirectly help in his election campaign. But on that account alone, without any positive evidence pointing in that direction, no responsibility for incurring or authorising expenditure in connection with this public meeting could be fastened on the first respondent. The petitioner pointed out that the first respondent had been shifting his stand from time to time as to who was responsible for holding this public meeting. When Giridhari Lal Raval (PW. 35) was in the witness box, a suggestion was made to him in cross-examination on behalf of the first respondent that this public meeting had been arranged by the District Congress Committee, Karol Bagh, but later on the first respondent changed his stand and came forward with the case that the Delhi Pradesh Congress Committee was responsible for this public meeting. The petitioner contended that this equivocation and uncertainty on the part of the first respondent in regard to a matter on which he, as the then Secretary of the Delhi Pradesh Congress Committee, was bound to have definite information and knowledge, cast a grave doubt on the truthfulness and veracity of the first respondent when he denied his responsibility for this public meeting. There is considerable force in this criticism levelled on behalf of the petitioner. It is difficult to understand how the first respondent found himself unable to assert definitely whether this public meeting was arranged by the District Congress Committee, Karol Bagh or the Delhi Pradesh Congress Committee. He was the Secretary of the Delhi Pradesh Congress Committee and he must surely have known as to who arranged this public meeting, whether it was the District Congress Committee, Karol Bagh or the Delhi Pradesh Congress Committee. Then why did the first respondent not come out with a positive case right from the beginning? This does give rise to suspicion that perhaps the first respondent had something to hide from the Court. If in fact this public meeting was arranged by the District Congress Committee, Karol Bagh, the first respondent could have easily called the Secretary of that Committee to prove this fact. Equally, if the Delhi Pradesh Congress Committee were responsible for this public meeting, the first respondent, who was the then Secretary, could have easily produced the records of the Delhi Pradesh Congress Committee to show that the expenditure in connection with this public meeting was incurred by that organisation. In fact, the petitioner summoned C. L. Parvana, Permanent Secretary of the Delhi Pradesh Congress Committee, to produce the records in connection with this public meeting, but this witness stated that the Delhi Pradesh Congress Committee did not maintain any record of the meetings addressed by the Prime Minister. If this public meeting was arranged by the Delhi Pradesh Congress Committee and the expenditure in connection with it was incurred by that organisation, it is difficult to believe that no record was maintained by it. We cannot escape the feeling that the record was being deliberately kept back from the Court by C. L. Parvana who came on behalf of the Delhi Pradesh Congress Committee. It may also be noted that through C. L. Parvana was cited as a witness on behalf of the first respondent at serial No. 28 in the supplementary list of witnesses filed on 4th February, 1972 and he was summoned to come "with record relating to election meetings addressed by Smt. Indira Gandhi, including the meeting addressed in Idgah, Delhi", the first respondent did not call him in evidence and bring the record of the Delhi Pradesh Congress Committee relating to this public meeting before the Court. The first respondent, thus, failed to show that expenditure in connection with this public meeting was incurred by the Delhi Pradesh Congress Committee or the District Congress Committee, Karol Bagh. That, however, cannot help the petitioner because the burden is on the petitioner to establish that the expenditure in connection with this public meeting was incurred or authorised by the first respondent and of that, unfortunately for the petitioner, there is no evidence. The expenditure in connection with this public meeting at Idgah Road cannot, therefore, be attributed to the first respondent.

We may now consider the item of expenditure representing printing charges of hand-bills and posters paid to Sood

Litho Press and the cost of paper required for the purpose of printing these handbills and posters. The first respondent admitted that an expenditure of Rs 100 was incurred by him in connection with printing of 5000 hand bills containing appeal of the Prime Minister, by Sood Litho Press and this expenditure was shown by him in his return of expenses. The controversy, however, was whether this amount of Rs 100 paid to Sood Litho Press related only to the charges for printing the hand-bills or it covered also the cost of paper required for the purpose. There was a Bill of Sood Litho Press bearing No 798 dated 27th February, 1971 in respect of this amount of Rs 100 and that was filed by the first respondent with the Returning Officer along with his return of expenses. This bill was produced in court by D B Bharadwaj, (PW 5) from the office of the Returning Officer in obedience to a summons obtained by the petitioner. When this bill was produced it bore an endorsement "complete Prtg etc" and immediately below that, another endorsement "Printing charges only" but this second endorsement appeared scored out. The first respondent did not offer any explanation in his examination-in-chief as to how and in what circumstances the second endorsement "Printing charges only" was scored out. In fact, he did not say anything in his examination-in-chief in regard to this bill of Sood Litho Press. It was only in cross-examination that he stated for the first time that the charges mentioned in this bill included the cost of paper. He was however constrained to admit that it was not stated in this bill in so many words that the charges included the cost of paper. But he relied on the word "etc" in the first endorsement "complete prtg etc" and contended that this word suggested that the charges not only related to printing but also covered the cost of paper and it was for this reason that the second endorsement "Printing charges only" was scored off as inappropriate. When it was put to him in cross-examination that the second endorsement "Printing charges only" was scored off by him after he had received the bill, he denied the suggestion and stated that the bill came with the endorsement scored off. The case of the first respondent therefore was that the second endorsement "Printing charges only" was scored off at the time when the bill was issued by Sood Litho Press. But this case was put forward for the first time in the cross-examination of the first respondent. When Taufiq Farooqi (PW 2), the Manager of Sood Litho Press was in the witness box, no suggestion was made to him that when he issued this bill he scored out the second endorsement "Printing charges only". Taufiq Farooqi had brought the Bill Book of Sood Litho Press for the relevant period and he stated in his evidence that he found from a copy of this bill which was in the bill Book that the bill was 'in respect of 5000 hand-bills appeal of Smt. Indira Gandhi, Complete Prtg charges only at the rate of Rs 20 per 1000 for Rs 100'. This statement of Taufiq Farooqi was not challenged on behalf of the first respondent in cross-examination and it must, therefore be accepted that the copy of this bill in this Bill Book contained the second endorsement "Printing charges only" and it was not scored off. Now it is difficult to believe that when Taufiq Farooqi issued this bill, he should have cancelled the second endorsement "Printing charges only" on the original of this bill, but left it un-scored off in the carbon copy. In fact no such suggestion was made to Taufiq Farooqi. It was not so stated even by a single witness of the first respondent. No explanation was offered in the evidence led on behalf of the first respondent unraveling the mystery surrounding the scoring off of the second endorsement "Printing charges only". On this state of the evidence, the conclusion is irresistible that when this bill was issued by Sood Litho Press it bore the second endorsement "Printing charges only" as did the carbon copy produced by Taufiq Farooqi and this second endorsement was scored off at some subsequent stage. This conclusion is strengthened and fortified by the fact that the ink of the line scoring the second endorsement "Printing charges only" is of a different shade than the ink of the words in the second endorsement. Then again, there is a very important circumstance which shows beyond doubt that the second endorsement "Printing charges only" was scored off at some subsequent stage after the issue of the bill. This circumstance constitutes a rather disturbing and disquieting feature of the case. The original bill was admittedly filed by the first respondent with the Returning Officer along with his return of expenses. Before it was produced by D B Bharadwaj (PW 5) the petitioner applied inter alia for a certified copy of this bill and he got

a certified copy of 16th June, 1971 which showed the second endorsement 'Printing charges only' intact without any scoring. The inference is, therefore, inevitable that on 16th June 1971 when a certified copy was issued by the office of the Returning Officer, the original bill contained the second endorsement 'Printing charges only' and this second endorsement was not scored off. But when the first respondent obtained a certified copy on 3rd August, 1971, this certified copy did not contain the second endorsement at all, which would mean that in the original bill it was scored off. There can, therefore, be no doubt that the second endorsement "Printing charges only" in the original bill was scored off sometime between 16th June, 1971 and 3rd August, 1971 when the original bill was in the office of the Returning Officer. We are not concerned to inquire as to who was responsible for this unauthorised scoring off of the second endorsement. That would be a matter for the Returning Officer or other appropriate election authorities to investigate and determine. But we cannot help mentioning that the scoring off of the second endorsement was certainly advantageous to the first respondent. The first respondent contended that the second endorsement limiting the amount of the bill to printing charges only was inappropriate, since the word 'etc' in the first endorsement suggested that the amount of the bill covered not only printing charges but also the cost of paper, but this contention is also futile. It is difficult to see how the first endorsement "complete printing etc" can possibly be construed as including the cost of paper. It was precisely in order to stave off such an argument as this that the second endorsement "Printing charges only" was made in the bill when it was issued by Sood Litho Press. It may be noted and this is a very important circumstance that when Taufiq Farooqi was in the witness box, no question was put to him on behalf of the first respondent requiring him to explain what he meant by the word 'etc' and suggesting that this word was intended to include the cost of paper. There is also another circumstance which strongly militates against the contention of the first respondent. If the cost of paper were included in the bill, it would have been shown as a separate item and sales tax would have been charged on it as in the case of the bill of Kapur Printing Press R 18 and the estimate given by Premchand Grover R 6. The absence of Sales tax in the bill is a clear indication that the cost of paper was not included in the amount of the bill. We are, therefore, of the view that the amount of Rs 100 shown in the bill represented only printing charges and did not include the cost of paper. The cost of paper utilised in printing 5000 hand bills containing the appeal of the Prime Minister would, therefore, have to be added to the election expenses of the first respondent.

Now this item of cost of paper was suppressed by the first respondent and we would, therefore, have to make a reasonable estimate of the expenditure incurred on it on the basis of the material on record. There is, fortunately for the petitioner, evidence on this point which enables us to make a reasonable estimate of the cost of paper which must have been utilised in printing these 5000 hand bills. Babu Ram Sharma (PW 11) stated in his evidence that Sarvadeshik Press, of which he was an employee, printed 8000 hand-bills containing the appeal of the Prime Minister for the first respondent and these hand-bills were like the document marked A/13 which, as deposed to by Taufiq Farooqi was similar to the hand-bills printed by Sood Litho Press. According to Babu Ram Sharma, four reams were utilised by Sarvadeshik Press for printing 8000 hand-bills like A/13 and the cost of paper utilised for this purpose was Rs. 30 per ream. Now, if four reams were utilised for printing 8000 pamphlets, it must follow a fortiori that the printing of 5000 pamphlets must have required at least two and a half reams and, according to the price given by Babu Ram Sharma, the cost of these two and a half reams of paper would be Rs 75. It is true that Babu Ram Sharma was a witness who was summoned primarily to depose to the printing of various pamphlets and hand bills by Sarvadeshik Press for the first respondent and his evidence on that point was seriously challenged on behalf of the first respondent, but so far as the quantity of paper required for the purpose of printing hand bills like A/13 and the price of such paper were concerned, his evidence was not at all challenged in cross-examination. We can, therefore, safely estimate the cost of paper utilised in printing 500 hand bills by Sood Litho Press at Rs 75, being the price of two and a half reams of paper at the rate of Rs 30 per ream.

¶ We must now refer to the second bill of Sood Litho Press which was disputed by the first respondent. Taufiq Farooqi produced in his examination-in-chief a copy of bill No. 705 dated 18th February, 1971 in the name of "Shri Amar Nath Chawla through Shri J. P. Goel" for Rs. 54/- in respect of printing charges of posters, hand bill and kitabab. The copy of this bill, which was marked Ex. PW 2/1, carried at the foot of it an endorsement, namely, "Printing charges only" and according to the evidence given by Taufiq Farooqi it bore his initials. Taufiq Farooqi admitted that the printing work covered by this bill was undertaken by Sood Litho Press on behalf of the first respondent, but, in an attempt to support the 1st respondent he started by saying, almost at the commencement of his examination-in-chief, that he did not know the first respondent, though there was no provocation to him to do so. We are not prepared to accept his statement that he did not know the first respondent. It is apparent from his evidence that he was out to favour the first respondent. The petitioner in fact apprehended this situation and he, therefore, obtained from this witness an affidavit dated 17th August, 1971 and in this affidavit the witness stated on oath that "the original of Annexures 'A' and 'B' mentioned in the election petition and attached to the same were printed through us with our print line : Shri Amar Nath Chawla accompanied by Shri J. P. Goel—had given me the orders for printing the said annexures and the manuscript/subject-matter was handed over to me by the said Amar Nath Chawla". When confronted with this affidavit, he had to admit that it bore his signatures on both pages but came out with an explanation that this affidavit had been brought to him by some Aryasamaji boys headed by Mahinder Kumar Shastri and they forced him to sign this affidavit and he accordingly signed it and give it to Mahinder Kumar Shastri. This explanation is, to say the least, puerile. It is difficult to believe that this witness should have been forced to sign this affidavit by some Arya Samaji boys headed by Mahinder Kumar Shastri. He does not say what was the force used by these persons and why he could not resist the use of this force and succumbed to it. He was, according to his statement in evidence, forced to put his signature on this affidavit in his press. But if that were true, he would have surely shouted for help because the shop of Sood Litho Press is situated on the main road and there are quite a few other shops adjoining to it. Moreover, he would have immediately complained to his employer Krishan Avtar Agarwal, the proprietor of Sood Litho Press, and also lodged a complaint with the police, or at any rate addressed a notice to Mahinder Kumar Shastri, but admittedly he did not take any action or make any report to any proprietor or anybody else that I have been forced to sign this affidavit". This is most unnatural and clearly exposes the hollowness of the explanation given by the witness. We have no doubt that this affidavit was made by the witness voluntarily and he knew the first respondent as well as the fifth respondent but deliberately feigned ignorance in order to support the case of the first respondent. It is, therefore, clear from the evidence of this witness that Sood Litho Press carried out printing work for the first respondent as shown in the bill Ex. PW 2/1. There is no reason to doubt his testimony on this point. If at all he could, he would have tried to help the first respondent, but obviously, there being documentary evidence in the shape of Ex. PW 2/1 in his Bill Book, he was helpless and he had to depose to it. The learned Trial Judge refused to rely on the copy of the bill Ex. PW 2/1 on the ground that Taufiq Farooqi, who produced it, was an unreliable witness. But he was clearly in error in adopting this approach because, in the first place, the copy of the bill Ex. PW 2/1 was documentary evidence which did not depend for its validity and authenticity on the oral evidence of Taufiq Farooqi, and secondly, Taufiq Farooqi turned against the petitioner and tried to help the first respondent, and therefore, any evidence given by him against the first respondent could not be regarded with suspicion, but was, on the contrary, more credible. It may be noted—and this is almost a conclusive circumstance—that there was no cross-examination of Taufiq Farooqi in regard to the copy of the Bill Ex. PW 2/1. His evidence on this point was not at all challenged in cross-examination on behalf of the first respondent. It was not even suggested to him that the first respondent did not get printing work done by Sood Litho Press as shown in the copy of the bill Ex. PW 2/1 or that the copy of the bill Ex. PW 2/1 was false and fabricated. The only question put to Taufiq Farooqi was whether any declaration was taken by him from any one in connection with the printing of the hand bills and posters forming the sub-

ject-matter of the copy of the bill Ex. PW 2/1 and his answer was in the negative. But that is far from a challenge to the printing work shown in the copy of the bill Ex. PW 2/1. Merely because no declaration was taken by Sood Litho Press from any one in connection with this printing work, it does not necessarily follow that no printing was done by them. It is not uncommon to find that during elections posters and hand bills are printed without complying with the requirements of section 127-A. The reason is, as pointed out by this Court in *Rahim Khan v. Khurshid Ahmed & Ors* (6) that "there is no agency of the law which takes prompt action after due investigation, with the result that no printer or candidate or other propagandist during elections bothers about the law and he is able successfully to spread scandal without a trace of the source, knowing that nothing will happen until long after the election, when in a burden some litigation this question is raised, "We may emphasise once again that there should be some independent semi judicial instrumentality set up by law, which would immediately investigate, even while the election fever is on and propaganda and canvassing are in progress and the evidence is raw and fresh how the offending hand bills and posters have come into existence, who has printed them and who is responsible for getting them printed for "violations thrive where prompt check is unavailable". As the evidence goes, there being no challenge to the authenticity of the copy of the bill Ex. PW 2/1 and to the testimony of Taufiq Farooqi on this point, we must accept the case of the petitioner that the first respondent got printing work done as shown in the copy of the bill Ex. PW 2/1 and incurred an expenditure of Rs. 54 for that purpose.

But as the endorsement on the copy of the bill Ex. PW 2/1 shows, this expenditure of Rs. 54 was only in connection with the printing charges. The cost of the paper utilised for the purpose of printing would also have to be added in determining the expenditure incurred or authorised by the first respondent. Now it is evident from the copy of the bill Ex. PW 2/1 that the total number of posters printed was 3700. Taufiq Farooqi did not state in his evidence as to what were these posters printed by his firm and denied that they were the same as the poster Annexure 'B' to the petition. But the poster Annexure 'B' to the petition clearly bears the print-line of Sood Litho Press and since the first respondent refused to disclose to the Court what were the posters which were got printed by him from Sood Litho Press, we would not be unjustified in holding that the posters which were printed by Sood Litho Press for the first respondent were the same as Annexure 'B' to the petition. Babu Ram Sharma (PW 11) stated in his evidence that for print 1000 posters of the size Annexure 'B' to the petition, two reams of paper would be required and the price of paper utilised in the poster Annexure 'B' to the petition was Rs. 50 per ream at the relevant time. To the same effect was also the evidence of Chater Sain (PW 55). There was no cross-examination of either of these two witnesses on this point as regards quantity and price of paper. We must, therefore, accept this evidence and on the basis of this evidence, we can safely conclude that the total cost of paper utilised in printing 3700 posters was Rs. 375. The hand bills shown to have been printed in the copy of the bill Ex. PW 2/1 were 2000 and again, for the same reason, we do not think we would be wrong in taking the view that they were the same as the hand bill Annexure 'A' to the petition, because Annexure 'A' to the petition bears the print-line of Sood Litho Press and the first respondent suppressed from the Court information as to what were the hand bills printed by Sood Litho Press for him. Babu Ram Sharma (PW 11) stated that half ream would be required for printing 1000 hand bills of the size of Annexure 'A' to the petition and the price of paper used for Annexure 'A' was Rs. 30 per ream at the relevant time and this statement was supported by the evidence of Chater Sain (PW 55). The cost of paper utilised in printing 2000 hand bills would, therefore be Rs. 30. Thus, the aggregate cost of paper utilised in printing posters and hand bills as shown in the copy of the bill Ex. PW 2/1 would come to Rs. 405, but we may take it at Rs. 300 on a very conservative basis.

We must, therefore, add to the expenditure incurred by the first respondent, Rs. 75 being the cost of paper utilised in printing 5000 hand bills shown in the admitted bill of Sood Litho Press, Rs. 54 being the amount of the bill of Sood Litho Press of which the copy is exhibited as PW 2/1 and Rs. 300 being the cost of paper utilised for printing 3700 posters and 2000 hand bills shown in the copy of the bill Ex. PW 2/1.

It would thus be seen that the total expenditure proved to have been incurred or authorised by the first respondent, in addition to that shown by him in his return of expenses, adds up to Rs. 4,800+Rs. 75+Rs. 54 Rs. 300, making in the aggregated Rs. 5,229. Now, admittedly the expenditure shown by the first respondent in his return of expenses was 5,415.62. If the further expenditure of Rs. 5,229 is added to this admitted expenditure of Rs. 5,415.62, the total expenditure proved to have been incurred or authorised by the first respondent comes to Rs. 10,644.62, and that would be clearly in excess of Rs. 10,000 which is the prescribed limit. That would be sufficient to invalidate the election of the first respondent on the ground of corrupt practice defined in section 123(6) of the Act.

On this view it is unnecessary for us to consider the other items of expenditure alleged to have been incurred or authorised by the first respondent and we do not, therefore propose to discuss them, particularly as they are of a debatable character. We also do not think it necessary to discuss issues 8 and 9 relating to publication of Annexures 'A' and 'B' to the petition and oral repetitions of the allegations contained in Annexures 'A' and 'B' to the petition at various public meetings set out in the particulars supplied by the petitioner. There can be no doubt that the allegations contained in Annexures 'A' and 'B' to the petition related to the personal character of the petitioner and they were reasonably calculated to prejudice the prospects of his election, but it is a highly controversial question whether they were published by the first respondent or his election agent by bringing out Annexures 'A' and 'B' to the petition or orally at the public meetings and we do not propose to express any opinion on it. It may be noted that the learned Trial Judge found, on a consideration of the evidence, that the allegations contained in Annexures 'A' and 'B' to the petition were true, but this finding was seriously attacked on behalf of the petitioner and it was contended that there was no evidence at all on the basis of which the learned Trial Judge could arrive at such a finding. There is prima facie considerable force in this contention of the petitioner, because the finding of the learned Trial Judge that these allegations were true appears to be based primarily on the reports of the proceedings in the Parliament which are no proof of the contents of the allegations made in the course of such proceedings and it does seem to be a little difficult to sustain it. However, as pointed out above, it is not necessary to examine the correctness of this finding and to pronounce upon it.

Since we are of the view that the first respondent is guilty of the corrupt practice set out in section 123(6) of the Act, we allow the appeal and set aside the election of the first respondent. The first respondent will pay to the petitioner costs throughout.

Dated, New Delhi,
October 3, 1974.

Sd/-
P. N. Bhagwati J.

Sd/-
R. S. Sarkaria. J.
[No. 82/2/DL/71]
V. NAGAMBRAMANIAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-110001, the 30th November, 1974

S.O. 3199.—In pursuance of clause (ii) of paragraph 3 of the Foreigners (Restricted Areas) Order, 1963, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 1337, dated the 10th May, 1963, the Central Government hereby authorises in respect of each of the territorial units of the restricted areas specified in column (1) of the Schedule hereto annexed, the officer or officers specified against it in column (2) thereof to issue permits under the said paragraph to foreigners entering into or residing in any restricted area within the territorial unit, or the restricted area, as the case may be.

SCHEDULE

Territorial unit or restricted area	Designation of Officer
(1)	(2)
State of Assam	(1) Secretary to the Government of Assam, Passport Department. (2) Deputy Secretary to the Government of Assam, Passport Department. (3) Under Secretary to the Government of Assam, Passport Department. (4) Deputy Commissioner, Gauhati. (5) Trade Adviser and Director of Movements, Government of Assam, Calcutta.
State of Meghalaya	(1) Chief Secretary to the Government of Meghalaya. (2) Secretary to the Government of Meghalaya, Passport Department. (3) Deputy Secretary to the Government of Meghalaya, Passport Department. (4) Under Secretary to Government of Meghalaya, Passport Department. (5) Deputy Commissioner, Khasi Hills, Shillong. (6) Deputy Commissioner, Garo Hills, Tura. (7) Deputy Commissioner, Jaintia Hills, Jowai. (8) Trade Adviser and Director of Movements, Government of Meghalaya, Calcutta. (9) Liaison Officer, Government of Meghalaya, Calcutta.
State of West Bengal	(1) Joint Secretary to the Government of West Bengal. (1A) Under Secretary to the Government of West Bengal, Home Department. (1B) Assistant Secretary to the Government of West Bengal, Home Department. (2) Deputy Inspector General of Police, Intelligence Branch, C.I.D., Government of West Bengal.

(1)	(2)
	(3) Deputy Commissioner of Police, Security Control, Calcutta.
State of Tripura	(1) Under Secretary, Home (Political) Department, Passport Branch.
	(2) Under Secretary, Home (Police) Department.
Jaldapara, Darjeeling (West Bengal)	(1) Every Diplomatic or Consular authority attached to any Indian Mission outside India.
Manas, Kaziranga, and Jorhat (Assam) Shillong (Meghalaya)	(2) Foreigners Regional Registration Officer, at Bombay, Delhi and Calcutta and Chief Immigration Officer, Madras.
Darjeeling (West Bengal)	Immigration Officers at the immigration check-posts at the airports at Bombay, Calcutta, Madras and New Delhi.
[No. 11013/3/74-F. I]	
R.A.S. MANI, Deputy Secy.	

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 8 अक्टूबर, 1974.

भायकर

कां.प्र. 3200—भायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उप-खंड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री ए. के. शुकला को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. अधिसूचना सं. 322 (फा. सं. 404/131/71-आई टी सी सी), तारीख 11-11-1971 के अधीन की गई श्री आर. एस. चौहान की नियुक्ति रद्द की जाती है।

3. यह अधिसूचना उस तारीख से प्रवृत्त होगी जिस तारीख को श्री ए. के. शुकला कर वसूली अधिकारी के रूप में कार्य-भार ग्रहण करते हैं।

[सं. 744 (फा. सं. 404/110/74-आई टी सी सी)]

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 8th October, 1974

INCOME-TAX

S.O. 3200.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961, (43 of 1961), the Central Government hereby authorises Shri A. K. Shukla who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri R. S. Chauhan made under Notification No. 322 (F. No. 404/131/71-ITCC), dated 11th November, 1971 is hereby cancelled.

3. This notification shall come into force with effect from the date Shri A. K. Shukla takes over charge as Tax Recovery Officer.

[No. 744 (F. No. 404/110/74-ITCC)]

नई दिल्ली, 21 अक्टूबर, 1974

कां.प्र. 3201—भायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सर्वश्री बी. जे. बुच और बी. बी. रेशमदलाल को, जो भारत सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिये प्राधिकृत करती है।

2. अधिसूचना सं. 133 (फा. सं. 404/125/70-आई टी सी सी) तारीख 3 अगस्त, 1970 और अधिसूचना सं. 226 (फा. सं. 404/86/71-आई टी सी सी) तारीख 21 जुलाई, 1971 के अधीन की गई क्रमशः सर्वश्री सी. वी. मेनन और आर. वी. भट्ट की नियुक्तियां रद्द की जाती हैं।

3. यह अधिसूचना उस तारीख से प्रवृत्त होगी, जिसको सर्वश्री बी. जे. बुच और बी. बी. रेशमदलाल कर वसूली अधिकारियों के रूप में कार्य-भार सम्भालें।

[सं. 760 (फा. सं. 404/260/74-आई टी सी सी)]

टी. आर. अगारवाल, उप सचिव

New Delhi, the 21st October, 1974

S.O. 3201.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri B. J. Buch and V.B. Reshamdallal, who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. The appointments of S/Shri C. V. Menon and R. V. Bhatt made under Notification No. 133 (F. No. 404/125/70-ITCC), dated 3rd August, 1970 and Notification No. 226 (F. No. 404/86/71-ITCC), dated 21st July, 1971 respectively are hereby cancelled.

3. This Notification shall come into force with effect from the date S/Shri B. J. Buch and V. B. Reshamdallal take over as Tax Recovery Officers.

[No. 760 (F. No. 404/260/74-ITCC)]

T. R. AGGARWAL, Dy. Secy.

नई दिल्ली, 23 नवम्बर, 1974

बीमा

कां.प्र. 3202—जीवन बीमा नियम अधिनियम, 1956 (1956 का 31) की धारा 18 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री जी. सी. मुर्देश्वर के स्थान पर श्री डी. बी. कुलकर्णी को अधिकरण का सवस्य नियुक्त करती

है और भारत सरकार के वित्त मंत्रालय के राजस्व और बीमा विभाग की अधिसूचना सं० का० प्रा० 1532 तारीख 19 मई, 1973 में निम्न-लिखित और संशोधन करनी है, अर्थात्—

उक्त अधिसूचना में, मद (2) और उससे सम्बन्धित प्रविष्टियों के स्थान पर, निम्नलिखित रखा जाएगा,—

“श्री डी० बी० कुलकर्णी, सदस्य,
सी-1/5, पण्डारा पार्क,
नई दिल्ली।

[सं 89 (9)-बीमा 2-74]

नई दिल्ली, 25 नवम्बर, 1974

बीमा

का० प्रा० 3203.—समुद्री जहाजों को युद्ध जोखिम बीमा योजना के पैरा 9 के अनुसरण में, केन्द्रीय सरकार एतद्वारा 31 मार्च, 1973 को समाप्त होने वाले वर्ष के दौरान युद्ध जोखिम (समुद्री जहाज) पुनर्बीमा निधि में प्राप्त तथा उसमें से निकाली गयी रकमों का लेखा निम्न प्रकार प्रकाशित करती है, अर्थात् :—

31 मार्च, 1973 का समाप्त होने वाले वर्ष के दौरान युद्ध जोखिम (समुद्री जहाज) पुनर्बीमा निधि में प्राप्त तथा उसमें से निकाली गयी रकमों का लेखा

प्राप्तियां			व्यय		
रकम	मार्च, 1973 के अंत तक जमा की स्थिति		रकम	मार्च, 1973 के अंत तक व्यय की स्थिति	
1	2	3	4	5	6
₹०	₹०		₹०	₹०	
1 बीमा प्रीमियम	* 1,10,00,000.00	* 5,00,21,237.76	1 युद्ध जोखिम (समुद्री जहाज) बीमा योजना में नियोजित एजेंटों के प्रशासनिक खर्च	@ 2,49,610.44	@ 3,41,328.28
2. युद्ध जोखिम (समुद्री जहाज) पुनर्बीमा योजना के पैरा 8(iii) के अंतर्गत भारत की सम्बन्धित निधि से अग्रिम।	..	..	2. पैरा 8 (vii) के अंतर्गत युद्ध जोखिम (समुद्री जहाज) पुनर्बीमा योजना के अधीन देनदारियों की प्रदायगी।	-	--
	..	..	3 पैरा 8(iii) के अंतर्गत पेशगियों की पुनः अदायगी।	..	..
			4 विविध व्यय	..	15,000.00
			5. प्रीमियमों की वापसी	..	--
			6. पैरा 8(iv) के अनुसार रकमों का निपटान	..	.
	1,10,00,000.00	5,00,21,237.76		2,49,610.40	3,56,328.28

* इस रकम में 1972-73 की 72,89,768.74 ₹० की रकम शामिल की गयी है।

* 1972-73 की 76,15,828.48 ₹० की बकाया का 1973-74 को अंतरण किया जायेगा।

(4) योजना के अंतर्गत देनदारियों से सम्बन्धित 2,25,000 ₹० की राशि इस रकम में दी गयी है। इसे 1973-74 के लेखों में उचित शीर्षों को अंतरित किया जायगा।

नोट :—1972-73 के प्रपत्र लेखों में वित्त मंत्रालय राजस्व और बीमा विभाग पत्र सं० 55(1) बीमा-1/74 दिनांक 20-5-74 के अनुसार महालेखाकार, केन्द्रीय राजस्व के कार्यालय को कुछ विसंगतियां बनायी गयी थी। परन्तु 1972-73 का लेखा बंद हो जाने के कारण इनका पालन नहीं किया जा सका। महालेखाकार, केन्द्रीय राजस्व का कार्यालय इन विसंगतियों का समाधान करेगा और 31 मार्च, 1974 को समाप्त होने वाले वर्ष के प्रपत्र लेखों में आवश्यक समायोजन नहीं किया जा सका।

[का० सं० 55(i)-बीमा-1/74]

आर० के० महाजन निवेशक

Deptt. of Revenue and Insurance

New Delhi, the 25th Nov., 1974

(INSURANCE)

S.O. 3203.—In pursuance of paragraph 9 of the Scheme of War Risks Insurance of Marine Hulls, the Central Government hereby publishes, as follows, an account of the sums received into and paid out of War Risks (Marine Hulls) Re-insurance Fund during the year ending with the 31st March, 1973, namely :—

Account of the sums received into and paid out of the 'War Risks (Marine Hulls) Re-insurance Fund' during the year ending with 31st March, 1973.

Receipts			Expenditure		
	Amount	Progress of Receipts upto the end of March, 1973		Amount	Progress of Expenditure upto the end of March, 1973
1	2	3	4	5	6
1. Insurance Premium	*1,10,00,000.00	*5,00,21,237.76	(1) Administrative Expenses of the Agents employed for War Risks (Marine Hulls) Insurance Scheme.	@ 2,49,610.44	@ 3,41,328.28
2. Advance from the Consolidated Fund of India under paragraph 8(iii) of the War Risks (Marine Hulls) Re-insurance Scheme.	..	..	(2) Payment of Liabilities under the War Risk (Marine Hulls) Reinsurance Scheme under para 8 (vi)	..	..
	..	..	(3) Repayment of Advances made under Para 8(iii)	..	..
	..	..	(4) Misc. Expenditure	..	15,000.00
	..	..	(5) Refund of Premium	..	..
	..	..	(6) Sums disposed of in accordance with para 8 (iv)	..	..
	1,10,00,000.00	5,00,21,237.76		2,49,610.44	3,56,328.28

*The amount of Rs. 72,89,768.74 for the year 1971-72 is included in this amount.

*The balance of Rs. 76,15,828.48 for the year 1972-73 will be transferred to the year 1973-74.

@A sum of Rs. 2,25,000 pertaining to payment of liabilities under the Scheme is included in this amount. This will be transferred to the correct head in the accounts for 1973-74.

NOTE : Some discrepancies in the Proforma Accounts for 1972-73 were pointed out to the Office of the Accountant General, Central Revenues vide Ministry of Finance Department of Revenue & Insurance letter No. 55(1) Ins. I/74 dated 20-5-1974 but these could not be carried out as the accounts for 1972-73 had been closed. Office of the A.G.C.R. will reconcile these discrepancies and carry out the necessary adjustments in the Pro-forma Accounts for the year ending 31st March, 1974.

[F. No. 55(1)-Ins. I/74.]

R.K. MAHAJAN, Director (Insurance).

लेखा व व्यय विभाग

बम्बई 19 सितम्बर 1974

शुद्धि पत्र

क्रा० प्रा० 3204.—दिनांक 12 अक्टूबर, 1974 के भारत सरकार के राजपत्र के भाग II खण्ड 3(II) में (हिन्दी में प्रकाशित) 27 सितम्बर 1974 को समाप्त हुए सप्ताह के लिए रिजर्व बैंक इंडिया के बैंकिंग विभाग के कार्यकलाप के विवरण में निम्नलिखित शुद्धि कर ली जाए।

पृष्ठ 2903 पर 'ऋण और प्राप्ति --- (ख) केन्द्रीय भूमिबंधक बैंको के द्विवैचरो में निवेश' के समाप्ति दर्शाया गया र० 17,27,48,000 को रुपये 11,27,48,000 पढ़ा जाए।

[सर्वम र्जा० एन० 237/4-74/75]

अपटनीय

इसे मुख्य लेखाकार

(Department of Accounts and Expenditure)

Bombay, the 19th November, 1974

CORRIGENDUM

S.O. 3204.—In the statement of Affairs (published in Hindi) of the Reserve Bank of India Banking Department for the week ended 27th September, 1974 published in

Part II, Section 3(ii) of the Gazette of India dated 12th October, 1974, the following Corrigendum may be noted. On page 2903 the figures Rs. 17,27,48,000 shown under the head Loans and Advances to (b) i.e. () 'Investment in Central Land Mortgage Bank Debentures' may be read as Rs. 11,27,48,000.

[Ref. Gen. No. 237/4-74/75]

Illegible
P. Chief Accountant

बैंकिंग विभाग

नई दिल्ली, दिनांक 18 नवम्बर, 1974

क्रा० 3205 बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, रिजर्व बैंक प्राफ इंडिया की सिफारिश पर, एतद द्वारा घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध, मंगलौर (साउथ कनारा) में विजय बैंक लि०, मंगलौर द्वारा धृत प्रचल संपत्ति (टी० एस० मे 832 के भू-खंड) के संबंध में, उक्त बैंक पर 5 अक्टूबर, 1974 तक लागू नहीं होंगे।

[स० 15(24)बी० प्रा०/3/74

मे० प्रा० उसगावकर, अवर सचिव

(Department of Banking)

New Delhi, the 18th November, 1974

S.O. 3205.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section

9 of the said Act shall not apply till the 5th October 1975, to the Vijaya Bank Ltd., Mangalore, in respect of the immovable property (plot of land bearing T.S. No. 832) held by it at Mangalore (South Kanara).

[No. 15(24)-B.O. III/74]

M. B. USGAONKAR, Under Secy.

रिजर्व बैंक ऑफ इंडिया

नई दिल्ली, 22 नवम्बर, 1974

क्र० प्र० 3206—रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में नवम्बर, 1974 की 15 तारीख को समाप्त हुए सप्ताह के लिये सेवा (दृश्य विभाग)

देयताएं	रुपये	रुपये	भास्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	26,45,05,000		सोने का सिक्का और बुलियन —		
			(क) भारत में रखा हुआ	182,52,68,000	
संचालन में नोट	6127,65,60,000		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिभूतियां	141,73,97,000	
जारी किये गये कुल नोट		6154,10,65,000	जोड़		324,26,65,000
			रुपये का सिक्का		14,49,27,000
			भारत सरकार की संपत्ति		
			प्रतिभूतियां		5815,34,73,000
			देशी विनिमय बिल और दूसरे		
			वाणिज्य-पत्र		..
कुल देयताएं		6154,10,65,000	कुल भास्तियां		6154,10,65,000

तारीख : 20 नवम्बर, 1974

एस० जगन्नाथन, गवर्नर

15 नवम्बर, 1974 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यालय का विवरण

देयताएं	रुपये	भास्तियां	रुपये
1	2	3	4
चुक्ता पूंजी	5,00,00,000	नोट	26,45,05,000
भारक्षित निधि	150,00,00,000	रुपये का सिक्का	4,98,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि	284,00,00,000	छोटा सिक्का	4,19,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	95,00,00,000	खरीदे और घुनाये गये बिल :—	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि	265,00,00,000	(क) देशी	104,89,37,000
जमा राशियां :—		(ख) विदेशी	..
(क) सरकारी		(ग) सरकारी खजाना बिल	622,54,95,000
(1) केन्द्रीय सरकार	59,86,20,000	विदेशों में रखा हुआ ऋण*	587,24,50,000
(2) राज्य सरकारें	6,94,50,000	निवेश :—	445,64,58,000
(ख) बैंक		ऋण और अधिम :—	
(i) अनुसूचित वाणिज्य बैंक	608,34,94,000	(i) केन्द्रीय सरकार को	..
(ii) अनुसूचित राज्य सहकारी बैंक	15,06,73,000	(ii) राज्य सरकारों को	75,10,30,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,50,64,000	ऋण और अधिम :—	
(iv) ग्राम्य बैंक	1,55,11,000	(i) अनुसूचित वाणिज्य बैंक को ×	58,10,00,000
		(ii) राज्य सहकारी बैंकों को × ×	305,98,53,000
		(iii) दूसरों को	11,44,64,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से	
		ऋण, अधिम और निवेश	
		(क) ऋण और अधिम :—	
		(i) राज्य सरकारों को	67,81,59,000
		(ii) राज्य सहकारी बैंकों को	14,42,21,000
		(iii) केन्द्रीय भूमिबंधक बैंक को	..
		(iv) कृषि पुनर्बल निगम को	63,50,00,000

1	2	3	4
(ग) अन्य देय बिल	529,12,71,000 141,73,87,000	(ख) केन्द्रीय भूमिबंधक बैंकों के डिपॉजिटों में निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम राज्य सहकारी बैंकों को ऋण और अग्रिम राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण, अग्रिम और निवेश	11,16,98,000 47,35,77,000
अन्य देयताएं	634,55,67,000	(क) विकास बैंक को ऋण और अग्रिम (ख) विकास बैंक द्वारा जारी किये गये बांडों/ डिपॉजिटों में निवेश अन्य आस्तियां	234,78,71,000 121,13,01,000
रुपये	2797,70,37,000	रुपये	2797,70,37,000

* नकदी, अतिरिक्त जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

** राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि में से किये गये निवेश शामिल नहीं हैं।

† राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से प्रवर्त ऋण और अग्रिम शामिल नहीं हैं। परन्तु राज्य सरकारों को दिये गये अस्थायी प्रोव्हीडेंट फंड शामिल हैं।

X रिजर्व बैंक ऑफ इंडिया अधिनियम, की धारा 17(4)(ग) के अधीन अनुसूचित बाणिज्य बैंकों की भोयारी बिलों पर अग्रिम दिये गये 24,19,00,000 रुपये शामिल हैं।

XX राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रवर्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 20 नवम्बर, 1974

एम० जगन्नाथन, गवर्नर।

[सं० फ० 10(1)/74-बी०प्रो०।]

ए० बा० मीरजन्दानी, प्रवर सचिव

RESERVE BANK OF INDIA

New Delhi, the 22nd November 1974

S.O. 3206.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 15th day of November 1974
(Issue Department)

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,45,05,000		Gold Coin and Bullion :—		
Notes on circulation	6127,65,60,000		(a) Held in India	182,52,68,000	
Total Notes issued	6154,10,65,000		(b) Held outside India . . . . .	..
			Foreign Securities	141,73,97,000	
			Total	324,26,65,000	
			Rupee Coin	14,49,27,000	
			Government of India Rupee Securities	5815,34,73,000	
			Internal Bills of Exchange and other Commercial paper . . . . .	..
Total Liabilities	6154,10,65,000		Total Assets	6154,10,65,000	

S. Jagannathan
Governor.

Dated the 20th day of November 1974.

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 15th November 1974.

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	26,45,05,000
Reserve Fund	150,00,00,000	Rupee Coin	4,98,000
National Agricultural Credit (Long Term Operations) Fund	284,00,00,000	Small Coin	4,19,000
National Agricultural Credit (Stabilisation) Fund	95,00,00,000	Bill Purchased and Discounted :—	
National Industrial Credit (Long Term Operations) Fund	265,00,00,000	(a) Internal	104,89,37,000
Deposits :—		(b) External	—
(a) Government		(c) Government Treasury Bills	622,54,95,000
(i) Central Government	59,86,20,000	Balances Held Abroad*	587,24,50,000
(ii) State Governments	6,94,50,000	Investments**	445,64,59,000
(b) Banks		Loans and Advances to :—	
(i) Scheduled Commercial Banks	608,24,94,000	(i) Central Government	
(ii) Scheduled State Co-operative Banks	15,06,73,000	(ii) State Governments@	73,10,30,000
(iii) Non-Scheduled State Co-operative Banks	1,50,64,000	Loans and Advances to :—	
(iv) Other Banks	1,55,11,000	(i) Scheduled Commercial Banks†	58,10,00,000
(c) Others	529,12,71,000	(ii) State Co-operative Banks††	305,99,53,000
Bills Payable	141,73,87,000	(iii) Others	11,44,64,000
Other Liabilities	634,55,67,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
RUPEES	2797,70,37,000	(a) Loans and Advances to :—	
		(i) State Governments	67,81,59,000
		(ii) State Co-operative Banks	14,42,21,000
		(iii) Central Land Mortgage Banks . . . . .	..
		(iv) Agricultural Refinance Corporation	63,50,00,000
		(b) Investment in Central Land Mortgage Bank Debentures	11,16,98,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	47,35,77,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	234,78,71,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets	121,13,01,000
		RUPEES	2797,70,37,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 24,19,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 20th day of November 1974.

S. Jagannathan, Governor

[NO.F. 10(1)/74-BO.I]

C. W. MIRCHANDANI, Under Secy.

केन्द्रीय प्रत्यक्ष-कर बोर्ड

आदेश

नई दिल्ली, 24 सितम्बर, 1974

का. घा. 3207.—घन-कर नियम, 1957 के नियम 3क के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश करता है कि हमने उपाखण्ड सारणी के स्तम्भ (2) में विनिर्दिष्ट प्रत्येक मूल्यांकन अधिकारी निम्नलिखित की बाबत सारणी के स्तम्भ (3) की तत्समान प्रविष्टि में विनिर्दिष्ट आय-कर आयुक्तों की क्षेत्रीय अधिकारिता के अन्तर्गत,

- (1) स्थित कंपनियों, के, उनके रजिस्ट्रीकृत कार्यालय सहित, स्टॉक-शेयरों, डिबेंचरों और प्रतिभूतियों;
- (2) स्थित भागीदारी फर्मों में, उनके मुख्य कार्यालयों सहित, शेयरों;
- (3) खंड (1) में वर्णित से भिन्न प्रतिभूतियों, और
- (4) जब रहे कारबार की कारबारी धास्तियों की बाबत मूल्यांकन अधिकारी के कृत्यों का पालन करेगा।

स्पष्टीकरण. इस आदेश में 'कारबारी धास्ति' में गुडविल भी सम्मिलित है, किन्तु उससे स्थावर संपत्ति, कृषि भूमियां, वागान, वन, खानें और खजानें, मशीनरी और संयंत्र, रत्नाभूषण कला और जीवन हित, कृतियां, उत्तराधिकार और प्रत्याशा से हित सम्मिलित नहीं हैं।

सारणी

क्रम संख्या	मूल्यांकन अधिकारी	आय-कर आयुक्त
1	2	3
1.	सबश्री ओ० एस० बाजपेयी, आय-कर अधिकारी, कानपुर, I, II, और III	
2.	„ के० के० शुक्ल, आय-कर अधिकारी,	—यथोक्त—
3.	„ पी० एन० पाठक, आय-कर अधिकारी,	—यथोक्त—
4.	„ ए० एस० त्रिपाठी, आय-कर अधिकारी	—यथोक्त—

[सं० 81/74/का० सं० 328/208/74 डब्ल्यू टी (शेयर)]

CENTRAL BOARD OF DIRECT TAXES

ORDER

New Delhi, the 24th September, 1974

S. O. 3207.—In exercise of the powers conferred by sub-rule (2) of Rule 3A of the Wealth-tax Rules, 1957, the Central Board of Direct Taxes hereby direct that every Valuation Officer specified in column (2) of the Table appended here to shall perform the functions of the Valuation Officer in respect of :

- (i) Stock shares, debentures and Securities of companies with their registered offices;
- (ii) Shares, in partnership firms with their head offices;
- (iii) Securities, other than those mentioned in column (i) and situated; and
- (iv) Business assets of business carried on, in the areas within the territorial jurisdiction of Commissioners of Income-tax specified in the corresponding entry to column (3) of the Table.

Explanation:—In this order 'business assets' includes goodwill but does not include immovable property, agricultural lands,

plantations, forests, mines and quarries, machinery & plants jewellery, works of art and life interest, reversions and interest in expectancy.

TABLE

S. No.	Valuation Officer	Commissioner of Income-tax
1	2	3
1.	O.S. Bajpai I.T.O.	Kanpur, I, II & III
2.	K.K. Shukla I.T.O.	-do-
3.	P.N. Pathak I.T.O.	-do-
4.	A.S. Tripathi, I.T.O.	-do-

[No. 81/74/F. No. 328/208/74/WT(Shares)]

आदेश

नई दिल्ली, 25 सितम्बर, 1974

घन-कर.

का० घा० 3208.—घन-कर से जारी किये गये अपने आदेश सं० 75, तारीख 30 अगस्त, 1974 अधिकांत करते हुए घन-कर नियम, 1957 के नियम 3क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष-कर बोर्ड निदेश देता है कि इस आदेश से उपाखण्ड सारणी के स्तम्भ (2) में विनिर्दिष्ट प्रत्येक जिला मूल्यांकन अधिकारी, मूल्यांकन अधिकारी और सहायक मूल्यांकन अधिकारी, सारणी के स्तम्भ (3) में विनिर्दिष्ट और उक्त सारणी के स्तम्भ (4) में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट क्षेत्रों में स्थित धास्तियों के वर्ग की बाबत मूल्यांकन अधिकारी के कृत्यों का पालन करेगा :

सारणी

क्रम अधिकारी का सं०	पद नाम	धास्तियों का वर्ग	क्षेत्र
1	2	3	4
1.	जि० मूल्यांकन अधिकारी (मशीनरी संयंत्र), कलकत्ता।	ऐसी मशीनरी और संयंत्र, जिसका मूल्य, निर्धारित द्वारा यथाघोषित, 20 लाख रुपये या उससे अधिक है।	भारत सरकार, केन्द्रीय प्रत्यक्ष-कर बोर्ड, नई दिल्ली के घन-कर आदेश सं० 24/74/का० सं० 329/86/74 घन-कर तारीख 2 अप्रैल, 1974 में यथा परिभाषित, जिला मूल्यांकन अधिकारियों (स्थावर संपत्ति) की अधिकारिता में समाविष्ट क्षेत्र) सारणी में वर्णित क्र० सं० 1 से क्रम सं० 9 तक सारणी की प्रविष्टियां देखें।
2.	मूल्यांकन अधिकारी सहायक मूल्यांकन अधिकारी (मशीनरी और संयंत्र) दिल्ली।	ऐसी मशीनरी और संयंत्र, जिसका मूल्य, निर्धारित द्वारा यथाघोषित, 20 लाख रुपये से कम है।	केन्द्रीय प्रत्यक्ष-कर बोर्ड के पूर्वोक्त आदेश से उपाखण्ड सारणी की क्रम सं० 4, 6 और 8 के सामने यथा परिभाषित दिल्ली, चंडीगढ़, धर्मपुर, पटना, कानपुर, लखनऊ,

1	2	3	4
			जमशेदपुर, इलाहाबाद, मेरठ, जयपुर, अजमेर, रोहतक भोपाल, जबलपुर, इंदौर और ग्रम्बाला में मूल्यांकन अधिकारियों (स्थावर संपत्ति) की अधिकारिता में समाविष्ट क्षेत्र ।
3. मूल्यांकन अधिकारी/ सहायक मूल्यांकन अधिकारी, (मशीनरी और संयंत्र), कलकत्ता ।	ऐसी मशीनरी और संयंत्र, जिनका मूल्य, निर्धारित द्वारा यथाव्योक्त, 20 लाख रुपये से कम है ।	केन्द्रीय प्रत्यक्ष कर बोर्ड के पूर्वाधिकार क्षेत्र से उपाखण्ड सारणी की क्रम सं० 9 के सामने यथा परिभाषित, कलकत्ता, गोहाटी, डिब्रुगढ़ और भुवनेश्वर में मूल्यांकन अधिकारियों (स्थावर संपत्ति) की अधिकारिता में समाविष्ट क्षेत्र ।	
4. मूल्यांकन अधिकारी/ सहायक मूल्यांकन अधिकारी, (मशीनरी और संयंत्र) मुम्बई ।	—यथोक्त—	भारत सरकार, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के आदेश सं० 24/74/फा० सं० 328/86/74-सत-कर, तारीख 2 अप्रैल, 1974 से उपाखण्ड सारणी की क्रम सं० 2, 3 और 5 के सामने यथा परिभाषित, मुम्बई, पूना, धाना, बड़ौदा, शोलापुर, हुबली, अहमदाबाद, राजकोट और नागपुर में मूल्यांकन अधिकारियों (स्थावर संपत्ति) की अधिकारिता में समाविष्ट क्षेत्र ।	
5. मूल्यांकन अधिकारी/ सहायक मूल्यांकन अधिकारी, (मशीनरी और संयंत्र), मद्रास ।	—यथोक्त—	केन्द्रीय प्रत्यक्ष-कर बोर्ड के पूर्वाधिकार क्षेत्र से उपाखण्ड सारणी की क्रम सं० 1 और 7 के सामने यथा परिभाषित, हैदराबाद, कुर्गुप्पा, विजयवाड़ा, काकीनाडा, गुंटूर, बंगलूर, मद्रास, कोयम्बटूर, मदुराई, एर्नाकुलम, त्रिचेन्द्रम और कोजीकोड में मूल्यांकन अधिकारियों (स्थावर संपत्ति) की अधिकारिता में समाविष्ट क्षेत्र ।	

[सं० 82/74-फा० सं० 328/86/74]

वी० डी० बखारकर, अवर सचिव

ORDER

Wealth Tax

New Delhi, the 25th September, 1974

S. O. 3028.—In supersession of their order No. 75 dated 30th August, 1974, issued from F. No. 328/86/74-W.T. and in exercise of the powers conferred by rule 3A of the Wealth-tax Rules, 1957, the Central Board of Direct Taxes hereby directs that every District Valuation Officer, Valuation Officer and Assistant Valuation Officer specified in

column (2) of the Table appended to this order shall perform the functions of a Valuation Officer in respect of the class of assets specified in column (3) of the table and located in the areas specified in the corresponding entry in column (4) of the said table:

TABLE

Sl. No.	Designation of the Officer	Class of assets	Area
1	2	3	4
1.	District Valuation Officer (Machinery and Plant), Calcutta.	Machinery and Plant, the value of which is as declared by the assessee Rs. 20 lakhs or more.	Areas comprised in the jurisdiction of Distt. Valuation Officers (Immovable Property) as defined in Government of India, Central Board of Direct Taxes, New Delhi's Wealth-tax Order No. 24/74/F. No. 329/86/74-WT, dated 2nd April, 1974 vide Table entries from Sl. No. 1 to Sl. No. 9 shown therein.
2.	Valuation Officer/Assistant Valuation Officer, (Machinery and Plant) Delhi	Machinery and Plant, the value of which is as declared by the assessee less than Rs. 20 lakhs.	Areas comprised in the jurisdiction of the Valuation Officers (Immovable property) at Delhi, Chandigarh, Amritsar, Patna, Kanpur Lucknow, Jamshedpur, Allahabad Meerut, Jaipur, Ajmer, Rohtak, Bhopal, Jabalpur, Indore & Ambala as defined in the aforesaid Central Board of Direct Taxes Order against S. No. 4, 6 & 8 of the Table appended thereto.
3.	Valuation Officer/Assistant Valuation Officer, (Machinery and Plant, Calcutta.	Machinery and Plant, the value of which is as declared by the assessee, less than Rs. 2 lakhs.	Areas comprised in the jurisdiction of Valuation Officers (Immovable property) at Calcutta, Gauhati Dibrugarh and Bhuvaneswar, as defined in the aforesaid Central Board of Direct Taxes Order against Sl. No. 9 of the Table appended thereto.
4.	Valuation Officer/Assistant Valuation Officer, (Machinery and Plant), Bombay.	-Do-	Areas comprised in the jurisdiction of the Valuation Officers (Immovable property) at Bombay, Poona, Thana, Baroda Sholapur, Hubli, Ahmedabad, Rajkot and Nagpur as defined in Government of India, Central Board of Direct Taxes, New Delhi Wealth-tax order No. 24/-74/F. No. 328/86/74-WT dated the 2nd April, 1974 against Sl. Nos. 2, 3 & 5 of the Table appended thereto.

1	2	3	4
5. Valuation Officer/Assistant Valuation Officer, (Machinery & Plant), Madras.	Machinery and plant, the value of which is as assessed by the assessee less than Rs. 20 lakhs.	Areas comprised in the jurisdiction of Valuation Officers, (Immovable Property), at Hyderabad, Cuddappah, Vijayawada, Kakinada, Guntur, Bangalore, Madras, Coimbatore, Madurai, Ernakulam, Trivendrum and Kozhikode as defined in the aforesaid Central Board of Direct Taxes Order against Sl. No 1 & 7 of the table appended thereto.	

[No. 82/74 F. No. 328/86/74-WJ.]

V. D. WAKHARKAR Under Secy.

(Department of Expenditure)

New Delhi, the 9th October, 1974

S.O. 3209.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General of India in respect of persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely:—

1.(1) These rules may be called the Contributory Provident Fund (India) Fifth Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Contributory Provident Fund Rules (India), 1962, in sub-rule (4) of rule 12, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that where a subscriber on deputation to a body corporate, owned or controlled by the Government, is subsequently absorbed in such body corporate with effect from a retrospective date for the purpose of calculating the interest due on the Fund accumulations of the subscriber, the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the Fund only for the purpose of awarding interest under this sub-rule.”

[No F. 16(2)-E.V.(B)/72]

V. K. PANDIT, Dy. Secy.

New Delhi, the 20th November, 1974

S.O. 3210.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Services (Pension) (Seventh Amendment) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972, in rule 54,—

(i) after sub-rule (11), the following sub-rules shall be inserted, namely:—

“(11A) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.

(11B) (a) Where a female Government servant or male Government servant dies leaving behind a judicially separated husband or widow with a child or children, the family pension payable in respect of the deceased shall be payable to the surviving person provided he or she is the guardian of such child or children.

(b) Where the surviving person has ceased to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children.”

(ii) in sub-rule (14), in clause (b),—

(a) in sub-rule (i), Note 1 and Note 2 shall be omitted.

(b) after sub-clause (i), as so amended, the following sub-clause shall be inserted, namely:—

“(ia) a judicially separated wife or husband provided the marriage took place before the retirement of the Government servant.”

[No. F. 6(4)-EV(A)/74]

S. S. L. MALHOTRA, Under Secy.

MINISTRY OF COMMERCE

CENTRAL EXCISE COLLECTORATE KANPUR AMENDMENT NO.

(Amendment to Collectorate Notification No. 1/73 dated 9-1-73)

Kanpur, the 7th November, 1974

S.O. 3211.—Reference is invited to this Collectorate notification No. 1/73 dated 9-1-1973. Following amendment should be made in the Annexure appended to this notification.

2. For the words “Mild Steel rods/coils/bars” appearing in column 4 of the Annexure against S. No. 30 Tariff item No. 52-Bolts and Nuts, threaded or tapped and screws the words “Steel rods/rods/coils/bars, all sorts” shall be substituted.

[C. No. V(30)265-Tech/72 Pt. 47543]

K. S. DILIPSINGJI, Collector.

वाणिज्य मंत्रालय

संयुक्त मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

नई दिल्ली, 1 नवम्बर 1974

क्रा० प्रा० 3212—नियंत्रक भवन स्टील इंडस्ट्रीज, पी-22, प्रताप गंज, मरेश बाग, कानपुर (यू० पी०) को ऐल्मिनियम पट्टियों आदि के आयात के लिये आयात लाइसेंस सं० पी०/एम/2634029 दिनांक 9-10-73 मूल्य 85033 रुपये और सं० 2634030 दिनांक 9-10-73 मूल्य 29068 रुपये प्रदान किये गये थे। उन्होंने उपर्युक्त लाइसेंसों (केवल मुद्रा विनियम नियंत्रण प्रतियों) को अनुविधि प्रतियों के लिये इस आधार पर आवेदन किया है कि इनको मूल प्रतियाँ बिना उपयोग किये खो गई/प्रस्थानस्थ हो गई हैं।

अपने आवेदन के समर्थन में उन्होंने एक शपथ पत्र दाखिल किया है। मैं सन्तुष्ट हूँ कि मूल मुद्रा विनियम नियंत्रण प्रतियाँ खो गईं/अस्थानस्थ हो गई हैं।

अद्यतन यथा संशोधित आयात व्यापार नियंत्रण आदेश, 1955 दिनांक 7-12-55 की विषयक धारा 9 (सी) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए उक्त लाइसेंस सं० पी/एम/2634029 दिनांक 9-10-73 मूल्य 85033 रुपये और सं० 2634030 दिनांक 9-10-63 मूल्य 29068 रुपये (केवल मुद्रा विनियम नियंत्रण प्रतियाँ) एतद्वारा रद्द किये जाते हैं।

[मि० सं० लेटर-27/जे एम-73/एस सी-5/सी एल ए 1804]

[मि० सं० लेटर-18/ए जे-73/एम सी-5/सी एल ए 1804]

प्रो० एन० आनन्द, उप-मुख्य नियंत्रक

हृते समुच्चय मुख्य निदेशक

(Office of the Joint Chief Controller of Imports & Exports)

ESTATE, INDRA PRASTHA BHAWAN, NEW DELHI.

New Delhi, the 1st August, 1974

S.O. 3212.—M/s. The Bhawana Steel Industries, P-22, Pratap Ganj, Suresh Bagh, Kanpur (UP) were granted import licence No. P/M/2634029 dated 9-10-73 for Rs. 85033 and No. 2634030 dated 9-10-73 for Rs. 29068 for import of aluminium strips etc. They have applied for duplicate copies of above licences (Exchange Control copies only) on the ground that original copies thereof have been lost/misplaced without having been utilised.

In support of their request, they have filed an affidavit. I am satisfied that original exchange control copies have been lost/misplaced.

In exercise of powers conferred on the under subject clause 9(c) in the ITC order 1955 dated 7-12-55 as amended upto-date, the said licence No. P/M/2634029 dated 9-10-73 for Rs. 85033/- and No. 2634030 dated 9-10-73 for Rs. 29068/- only (exchange control copies) are hereby cancelled.

[F. No. Leather-27/JM-73/SC-V/CLA/1804]

[F. No. Leather-18/AJ-73/SC-V/CLA/1804]

O. N. ANAND, Dy. Chief Controller
For Joint Chief Controller.

(उप-मुख्य नियंत्रक, आयात-निर्यात का कार्यालय,)

आदेश

हैदराबाद, 16 अक्टूबर, 1974

क्र० आ० 3213.—सर्वश्री रापल्ली पोशेटी हैंडलूम एण्ड डायिंग वर्क्स, 5-88 डाकघर कुरतापुर (बाया) बालकोण्डा, ताल्लुक धारमूर, जिला निजामाबाद को रजक मध्यस्थों और रसायनों के आयात के लिए 5000 रुपये (पांच हजार रुपये मात्र) मूल्य का एक लाइसेंस सं० पी/एस/1743008/सी/एक्स एक्स/50/डब्ल्यू/37-38, दिनांक 20-2-74 प्रदान किया गया था। अब उन्होंने उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति बिल्कुल भी उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

अपने तर्कों के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक, 1974-75 के परिशिष्ट 8 के साथ पड़ी जाने वाली कडिका 320 के अनुसार स्टाम्प पेपर पर यथा अपेक्षित एक शपथ पत्र दाखिल किया है। मैं सन्तुष्ट हूँ कि लाइसेंस की मूल सीमाशुल्क निकासी प्रति खो गई/अस्थानस्थ हो गई है।

अद्यतन यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की धारा 9 (सी सी) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं लाइसेंस सं० पी/एस/1743008/सी/एक्स एक्स/50/डब्ल्यू/37-38, दिनांक 20-2-74 की सीमाशुल्क निकासी प्रति को रद्द करने का आदेश देता हूँ।

अब आवेदक के मामले पर आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक, 1974-75 की कडिका 320 के अनुसार उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए विचार किया जाएगा।

[संख्या आ० 50/एस एस आई/पी 59/ए एम 74]

(Office of the Dy. Chief Controller of Imports and Exports)

ORDERS

Hyderabad, the 16th October, 1974

S.O. 3213.—Messrs Rapalli Poshetti Handloom and Dyeing Works, 5-88, P.O. Kustapoor, (Via) Balkonda, Tq. Armoor, Dt. Nizamabad were granted licence No. P/S/1743008/C/XX/50/W/37-38 dated 20-2-74 for Rs. 5000/(Rupees five thousand only) for import of payee intermediates and Chemicals. They have now applied for the issue of duplicate copy of the Customs purposes copy of the above licence on the ground that the original copy has been lost/misplaced without having been utilised at all.

The applicant has filed an affidavit on stamped paper in support of his contention as required under para 320 read with Appendix-8 of Import Trade Control Hand Book of Rules and Procedure, 1974-75. I am satisfied that the original Customs purposes copy of the licence has been lost/misplaced.

In exercise of the powers conferred on me under clause 9(cc) of Imports (Control) Order, 1955 dated 7-12-1955 as amended upto date, I order the cancellation of the Customs purposes copy of licence No. P/S/1743008/C/XX/50/W/3738/dated 20-2-1974.

The applicant's case will now be considered for the issue of duplicate Customs purposes Copy of the above licence in accordance with para 320 of Import Trade Control Hand Book of Rules and Procedure, 1974-75.

[No. R. 50/SSI/P 59/AM74]

क्र० आ० 3214.—सर्वश्री चन्दा गंगाराम हैंडलूम एण्ड डायिंग वर्क्स, 9-50, डाकघर बड़बड़, बोडान ताल्लुक, जिला निजामाबाद को रजक मध्यस्थों और रसायनों के आयात के लिए 5000 रुपये (पांच हजार रुपये मात्र) मूल्य का एक लाइसेंस सं० पी/एस/1743006/सी/एक्स एक्स/50/डब्ल्यू/37-38 दिनांक 20-2-1974 प्रदान किया गया था। अब उन्होंने उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति बिल्कुल भी उपयोग किए बिना खो गई/अस्थानस्थ हो गई है।

अपने तर्कों के समर्थन में आवेदक ने आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक, 1974-75 के परिशिष्ट 8 के साथ पड़ी जाने वाली कडिका 320 के अनुसार स्टाम्प पेपर पर यथा अपेक्षित एक शपथ पत्र दाखिल किया है। मैं सन्तुष्ट हूँ कि लाइसेंस की मूल सीमाशुल्क निकासी प्रति खो गई/अस्थानस्थ हो गई है।

अनुमति तथा सशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की धारा 9 (सी सी) द्वारा प्रवृत्त अधिकारों का प्रयोग करत हुए मैं लाइसेंस सं० पी/एम/1743006/सी/एक्स एक्स/50/डब्ल्यू/37-38 दिनांक 20-2-74 की सीमाशुल्क निकासी प्रति को रद्द करने का आदेश देता हूँ।

यह आदेश के मामले पर आयात व्यापार नियंत्रण नियम तथा क्रियाविधि पुस्तक, 1974-75 की कड़िका 320 के अनुसार उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुमति जारी करने के लिए विचार किया जाएगा।

[सं० सी० 25/एम एम आई/पी-59/ए एम 74]

एम० एम० नाइकराजी, उप-मुख्य नियंत्रक

S.O. 3214.—Messrs Chandha Gangaram Handloom & Dyeing Works, 9-50, P.O. Rudhroor, Bodhan Tq., Nizemabad dist. were granted licence No. P/S/1743006/C/XX/50/W/37-38 dated 20-2-1974 for Rs. 5000/- (Rupees five thousand only) for import of Dyes intermediates and Chemicals. They have now applied for issue of duplicate copy of the Customs Purposes Copy of the above licence on the ground that the original copy has been lost/misplaced without having been utilised at all.

The applicant has filed an affidavit on stamped paper in support of his contention as required under para 320 read with Appendix-8 of Import Trade Control Hand Book of Rules & Procedure, 1974-75. I am satisfied that the original Customs Purposes copy of the licence has been lost/misplaced.

In exercise of the powers conferred on me under clause 9(cc) of Import (Control) Order, 1955 dated 7-12-1955 as amended upto date. I order the cancellation of customs purposes copy of licence No. P/S/1743006/C/XX/50/W/37-38 dated 20-2-1974.

The applicant's case will now be considered for the issue of duplicate customs purposes copy of the above licence in accordance with 320 of Import Trade Control Hand Book of Rules & procedure, 1974-75.

[No. C-25/SSI/P-59/AM 74]
P. GOVINDARAJU, Dy. Chief Controller.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 12 नवम्बर, 1974

क्र० आ० 3215.—सर्वश्री हिन्दुस्तान एरोनौटिक्स लि०, नासिक डिवीजन डाकघर ओझर को एम आई० एम० एक्स०-5606 विशिष्टिकरण के एरो शील फ्लुइड 4 के आयात के लिए 45,000/- रुपये मूल्य का एक लाइसेंस सं० आई/ए/1058741/सी/एक्स एक्स/46/एच/35-35 दिनांक 30-1-73 प्रदान किया गया था। सर्वश्री हिन्दुस्तान एरोनौटिक्स लि० ने सूचना दी है कि लाइसेंस की सीमाशुल्क निकासी प्रति अस्थानस्थ हो गई है और उन्होंने उसकी अनुमति प्रति जारी करने के लिए आवेदन किया है।

अपने तर्कों के समर्थन में आवेदक ने एक गणप पत्र वाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस की सीमाशुल्क निकासी प्रति खो गई है और निदेश देता है कि इसकी अनुमति प्रति आवेदक को जारी की जानी चाहिये। मूल सीमाशुल्क निकासी प्रति रद्द की जाती है।

लाइसेंस की मूल सीमाशुल्क निकासी प्रति रद्द कर दी गई है। इसकी अनुमति प्रलग से जारी की जा रही है।

[सं० एच०ए० एम०/115/72-73/पी० एम०एस०/बी०]

आदेश से,

एम० के० उस्मानी, उप-मुख्य नियंत्रक

कृते मुख्य नियंत्रक,

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 12th November, 1974

S.O. 3215.—M/s. Hindustan Aeronautics Ltd. Nasik Division P.O. Ojhar was granted licence No. I/A1058741/C/XX/46/H/35-36 dated 30-1-73 for import of Aero Sheil fluid 4 to specification MIL-H-5606 for Rs. 45,000/- M/s HAI, have reported that customs control copy of the licence has been misplaced and he has requested to issue a duplicate copy of the same.

In support of their contention the applicant has filed an affidavit. The undersigned is satisfied that the customs control copy of the licence has been lost and directs that the duplicate copy of the said customs copy of the licence be issued.

The original customs copy of the licence has been cancelled. A duplicate copy of the same is being issued separately.

[No. HAL/115/72-73/PLS/B]

S. K. USMANI, Dy. Chief Controller
for Chief Controller

आदेश

नई दिल्ली, 19 नवम्बर, 1974

क्र० आ० 3116.—सर्वश्री मल्हानिया एड लक्ष्मण लि०, 68/2, नजकगढ़ रोड, नई दिल्ली को एक आयात लाइसेंस सं० पी/डी/1402003 दिनांक 31-7-74 मूल्य 7,56,900/- रुपये इसमें मलान सूची के अनुसार कच्चे माल/संघटकों के आयात के लिये प्रदान किया गया था।

उन्होंने उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुमति प्रति जारी करने के लिये इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति उनसे खो गई है या अस्थानस्थ हो गई है। लाइसेंसधारी द्वारा यह भी सूचना दी गई है कि लाइसेंस पर 7,56,900 रुपये का उपयोग करना गैर था। लाइसेंस किसी भी सीमाशुल्क कार्यालय में पंजीकृत नहीं किया गया था।

अपने तर्कों के समर्थन में आवेदक ने एक गणप पत्र वाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि आयात लाइसेंस सं० पी/डी/1402003 दिनांक 31-7-74 की मूल सीमाशुल्क निकासी प्रति खो गई है या अस्थानस्थ हो गई है और निदेश देता है कि इसकी अनुमति प्रति आवेदक को जारी की जानी चाहिये। मूल सीमाशुल्क निकासी प्रति रद्द की जाती है।

[सं० एम/4/3/72-73]

आई० बी० कृत्तन, उप-मुख्य नियंत्रक

कृते मुख्य नियंत्रक

ORDER

New Delhi, the 19th November, 1974

S.O. 3216.—M/s. Sylvania & Laxman Ltd., 68/2, Najafgarh Road, New Delhi, were granted Import Licence No. P/D/1402003 dated 31-7-74 for import of Raw Materials/Components as per list attached to it valued at Rs. 756900.

2. They have requested for the issue of duplicate Customs Purposes Copy of the above said licence on the ground that the original Customs Purposes Copy has been lost or misplaced by them. It has been further reported by the licensee that the licence had an unutilized balance of Rs. 756900. The licence was not registered with any Customs House.

3. In support of their contention, the applicants have filed an affidavit. The undersigned is satisfied that the original Customs Purposes Copy of Import Licence No. P/D/1402003 dated 31-7-1974 has been lost or misplaced and directs that a Duplicate Customs Purposes Copy of the said licence should be issued to the applicant. The original Customs Purposes Copy is cancelled.

4. The Duplicate Customs Purposes Copy of the licence is being issued separately.

[No. Lamp/4/72-73]

I. V. CHUNKATH, Dy. Chief Controller
for Chief Controller

आदेश

नई दिल्ली, 19 नवम्बर, 1974

क्र० प्र० 2217.—सर्वश्री सन्धु टूरिस्ट ट्रांसपोर्ट सर्विस इन गेट (राइट) होटल इम्पीरियल जनपथ, नई दिल्ली को अप्रैल-मार्च 1972-73 के लिये रेडबुक वा० 1 के परिशिष्ट 26 के अनुसार स्वीकृति किस्म के मोटर गाड़ी के पुर्जों के आयात के लिए 6000 रुपये (छ० हजार रुपये मात्र) के लिए आयात लाइसेंस सख्या पी/ए/375606 दिनांक 1-2-73 प्रदान किया गया था। उक्त अनुबन्ध की सूची 2 भाग ए और बी में शामिल मर्चों का आयात लाइसेंस अवधि अप्रैल, 1972-मार्च, 1973 के लिए बिना किसी अंकित मूल्य के ही किया जा सकता है। फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रति और मुद्रा विनियम प्रति के लिए इस आधार पर आवेदन किया है कि उसका मूल खो गया है। लाइसेंस किसी भी सीमाशुल्क कार्यालय में पंजीकृत नहीं है और उसका कुछ भी उपयोग नहीं किया गया है। आयात व्यापार नियंत्रण विनियमों के अनुसार उन्होंने आवश्यक शपथपत्र दाखिल किया है।

अधोहस्ताक्षरी फर्म द्वारा दिए गए ब्योरे से संतुष्ट है और आदेश देता है कि लाइसेंस की अनुलिपि सीमाशुल्क और मुद्रा विनियम प्रति जारी की जाए। मूल लाइसेंस (सीमाशुल्क और मुद्रा विनियम प्रति) को एतद्वारा रद्द किया जाता है।

[सं० 1578-एच/एम० एम०/71/आई एल एम/एम एल I/778]

जे० शंकर, उप मुख्य नियंत्रक

ORDER

New Delhi, the 19th November, 1974

S.O. 3217.—M/s. Sandhu Tourist Transport Service IN-GATE (Right) Hotel Imperial Janpath, New Delhi were granted import licence no. P/A/1375606 dated 1-2-73 for Rs. 6000/- (Six Thousand only) for the import of Permissible types of Motor Vehicle Parts as per Appendix 26 of the Red Book Volume I for April-March 1972-73. Import of items included in List II Parts A and B of the said Appendix can be made without any face value for the licensing period April-72—March-73. The firm have applied for grant of duplicate Custom copy and exchange copy of the aforesaid licence on the ground that the original have been lost. The licence has not been registered with any custom house and

have not been utilised at all. They have furnished necessary affidavits as per I.T.C. Rules.

The undersigned is satisfied with the statement given by the firm and directs that duplicate copies of the Custom & Exchange of the licence may be issued. The original licence (Custom & Exchange copy) are hereby cancelled.

[No. 1578-H/AM/71/ILS/MLI/778]
J. SHANKAR, Dy. Chief Controller

आदेश

नई दिल्ली, 25 नवम्बर, 1974

क्र० प्र० 3218.—सर्वश्री ताज कोरोमण्डल, 5, नन्गाम्बकम हाई रोड, मद्रास को 15,000/- रुपये मूल्य का एक आयात लाइसेंस सख्या : पी०/ए/1378037, दिनांक 13-6-73 पनीर (जैसे सलग्न सूची के अनुसार) के आयात के लिये प्रदान किया गया था।

2 उन्होंने उपर्युक्त लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिये इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति उनसे खो गई है या भ्रष्टानस्थ हो गई है। लाइसेंस धारता द्वारा यह भी पुष्टा हो गई है कि लाइसेंस का न तो उपयोग ही किया गया था और न किसी भी सीमाशुल्क प्राधिकरण में वह पंजीकृत किया गया था।

3 अपने तर्क के समर्थन में आवेदकों ने एक शपथपत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि आयात लाइसेंस सख्या : पी/ए/1378037, दिनांक 13-6-73 की मूल सीमाशुल्क निकासी प्रति खो गई है या भ्रष्टानस्थ हो गई है और निदेश देता है कि इसकी अनुलिपि आवेदक को जारी की जानी चाहिये। मूल सीमाशुल्क निकासी प्रति एतद्वारा रद्द की जाती है।

4 लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि अलग से जारी की जा रही है।

[सं० 221-एच/एम-74/आई एल एम/एम एल-I/892]

जे० शंकर, उप-मुख्य नियंत्रक,
उत्ते मुख्य नियंत्रक,

ORDER

New Delhi, the 25th November, 1974

S.O. 3218.—M/s. Taj Coromandel, 5, Nungambakkam High Road, Madras were granted Import Licence No. P/A/1378037 dated 13-6-1973 for import of Cheese (As per list attached thereto) valued to Rs. 15,000/-.

2. They have requested for the issue of duplicate Custom Purposes Copy of the above said licence on the ground that the original custom Purposes Copy has been lost or misplaced by them. It has been further reported by the licensee that the licence had neither been utilized for registered with any Custom authority.

3. In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Custom Control Purposes Copy of Import Licence No. P/A/1378037 dated 13-6-1973 has been lost or misplaced and directs that a Duplicate Customs Control Purposes Copy of the said licence should be issued to the applicant. The original Customs Purposes Copy is hereby cancelled.

4. The Duplicate Custom Purposes Copy of the licence is being issued separately.

[No. 221-H/AM-74/ILS/ML. I./892]
J. SHANKAR, Dy. Chief Controller
for Chief Controller

परमाणु ऊर्जा विभाग

आदेश

बम्बई, 20 नवम्बर, 1974

क्रा० आ० 3219.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उप-नियम (2), नियम 12 के उप-नियम (2) के खण्ड (ख) और नियम 24 के उप-नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए एतद्वारा निदेश देने हैं कि 27 नवम्बर, 1971 के भारत के राजपत्र के भाग 2, खण्ड 3, उप-खण्ड (ii) में प्रकाशित परमाणु ऊर्जा विभाग के क्रा० आ० 5187 दिनांक 3 दिसम्बर, 1970 द्वारा जारी भारत सरकार के आदेश में निम्नलिखित संशोधन किया जाये, नामतः—

- (1) "भाग II-साधारण केन्द्रीय सेवा, वर्ग III" में मद (xii) तथा उसके अन्तर्गत की गई प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, नामतः—

1	2	3	4	5
"(xii) प्रशासनिक एवं तकनीकी पद	वरिष्ठ प्रशासन-अधिकारी	(i) वरिष्ठ प्रशासन अधिकारी (ii) परियोजना प्रबन्धक/निर्माण प्रबन्धक	सभी केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 11 के खण्ड (i) से (iv) में उल्लिखित विनिर्दिष्ट शक्तियाँ	विशेष-कार्य अधिकारी "विशेष-कार्य-अधिकारी"

- (2) "भाग III साधारण केन्द्रीय सेवा, वर्ग IV में मद (xii) तथा उसके अन्तर्गत की गई प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, नामतः—

"(xii) प्रशासनिक एवं तकनीकी पद	वरिष्ठ प्रशासन-अधिकारी	(i) वरिष्ठ प्रशासन-अधिकारी (ii) परियोजना प्रबन्धक/निर्माण प्रबन्धक	सभी केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 4 के खण्ड (i) से (iv) में विनिर्दिष्ट शक्तियाँ	विशेष कार्य अधिकारी "विशेष-कार्य अधिकारी"
--------------------------------	------------------------	---	--	--

[स० 22(1)/68-प्रशासन/1990]

एस० क० चौधरी, अवसर सचिव

DEPARTMENT OF ATOMIC ENERGY

ORDER

Bombay the 20th, November 1974

S. O. 3219.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and subrule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following amendments shall be made in the Order of the Government of India in the Department of Atomic Energy No. S.O. 5187, dated the 31st December, 1970, published in the Gazette, of India, Part II, Section 3, Sub-section (ii), dated the 27th November 1971, namely in the said Order :—

- (1) in "Part II—General Central Service, Class III",—for item (xii) and the entries relating thereto, the following shall be substituted, namely :—

1	2	3	4	5
"(xii) Administrative and Technical posts.	Senior Administrative Officer.	(i) Senior Administrative Officer. (ii) Projects Manager/Construction Managers	All Penalties specified under clauses (i) to (iv) of Rule 11 of Central Civil Services (Classification, Control and Appeal) Rules, 1965.	Officer on Special Duty Officer on Special Duty."

(2) in "Part III—General Central Service, Class IV", for item (xii) and the entries relating thereto, the following shall be substituted namely :—

1	2	3	4	5
"(xii) Administrative and Technical posts	Senior Administrative Officer.	(i) Senior Administrative Officer.	All	Officer on Special Duty
		(ii) Projects Manager/Construction Managers.	Penalties specified under clauses (i) to (iv) of Rule 11 of Central Civil Services (Classification, Control and Appeal) Rules, 1965.	Officer on Special Duty.

[No. 22(1)/68-Admn. 1990]

S. K. CHAUDHARY, Under Secy.

उद्योग तथा नागरिक पूर्ति मंत्रालय

(भारतीय मानक संस्था)

नई दिल्ली, 18 नवम्बर, 1974

MINISTRY OF INDUSTRIES & CIVIL SUPPLIES

(Indian Standards Institution)

New Delhi, the 18th November, 1974

क्र० अ० 3220.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस जिसके ब्यौरे नीचे अनुसूची में दिए गए हैं, लाइसेंसधारी के अपने अनुरोध पर 1 जुलाई 1974 से रद्द कर दिया गया है :

लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन तत्सम्बन्धी भारतीय मानक वस्तु/प्रक्रिया
सीएम/एल-2351 26-6-1970	मेसर्स कुमार बॉल्स क्रिकेट और हॉकी मैनुफैक्चरिंग कंपनी, इस्लामाबाद (जी. टी. रोड) जलंधर	IS 416-1963

S.O. 3220.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby notifies that the licence, particulars of which are given below, has been cancelled with effect from 1 July 1974 on the request of the licensee;

Licence No. and Date	Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
CM/L-2351 26-6-1970	M/s. Kumar Balls Mfg Company, Islamabad (GT Road), Jullundur	Cricket and Hockey Balls	IS : 416-1963

[संख्या एमडीसी/55:2351]

[No. MDD/55:2351]

नई दिल्ली, 19 नवम्बर, 1974

क्र० अ० 3221.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उप-विनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सीएम/एल-2803 जिसके ब्यौरे नीचे अनुसूची में दिए गए हैं, लाइसेंसधारी के अपने अनुरोध पर 31 अगस्त 1974 से रद्द कर दिया गया है :

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
1	2	3	4	5
1.	सीएम/एल-2803 8-11-1971	मेसर्स प्रेम चंद जूट मिल्स, पट्टाधारी सोनाजूसी टी एण्ड इंडस्ट्रीज लि० 10 क्लाइव रोड, कलकत्ता-1	सूत की गाँठें बाँधने के लिए पटसन बोरे	IS : 4436-1967 सूत की गाँठें बाँधने के लिए पटसन के बोरे की विशिष्टि

[सी० एम० डी०/55:2803 (टी डी)]

ए० के० गुप्ता

New Delhi, the 19th November, 1974

S. O. 3221.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-2803 particulars of which are given below has been cancelled with effect from 31st August, 1974 on the request of the licensee.

SCHEDULE

S. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Governed by the Licensee Cancelled	Relevant Indian Standard
1	2	3	4	5
1.	CM/L-2803 8-11-1971	M/s. Prem Chand Jute Mills Lessee : Sonajuli Tea & Industries Ltd., 10 Clive Row, Calcutta-1.	Jute bagging for wrapping cotton bales	IS : 4436-1967 Specification for Jute bagging for wrapping cotton bales

[CMD/55 : 2803 (TD)]

नई दिल्ली, 22 नवम्बर, 1974

क्र० 3222.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम 1955 के विनियम 455 के विनियम 1914 के उप-विनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी/एम/एल-1385 जिसके ब्योरे नीचे दिए गए हैं, 1 जुलाई 1973 से रद्द कर दिया गया है, क्योंकि लाइसेंसधारी लाइसेंस चलाना नहीं चाहता था।

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु प्रक्रिया	संलग्न भारतीय मानक
1	2	3	4	5
1.	सी/एम/एल-1385 13 दिसम्बर, 1966	मेमस ईगल वैक्यूम बोतल मैन्यु. कं. प्रा० एलुमिनियम के बर्तन, एस आई सी ग्रेड लि०, 144/46 शेरिफदेवजी स्ट्रीट, बम्बई-3	मार्क 'ईगल'	IS : 21-1959 बर्तनों के लिए निट्र एलुमिनियम और एलुमिनियम मिश्रधातु (दूसरा पुनरीक्षण)

[सी एम डी/55 : 1385]

New Delhi, the 22nd November, 1974

S. O. 3222.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-1385 particulars of which are given below has been cancelled with effect from 1 July 1973 as the party is no longer interested to hold the licence.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process Governed by the Licensees Cancelled	Relevant Indian Standard
1	2	3	4	5
1.	CM/L-1385 13 Dec. 1966	M/s. Eagle Vacuum Bottle Mfg. Co. Pvt. Ltd. 144/46, Sheriff Devji Street, Bombay-3.	Aluminum Utensils, SIC Grade Brand : 'EAGLE'	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (Second Revision)

[No. CMD/55 : 1385]

क्रा०स० 3223 — भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955 के विनियम 7 के उप-विनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न उत्पादों की प्रति इकाई मुहर लगाने की फीसे नीचे अनुसूची में दिए गए व्योरो के अनुसार निर्धारित की गई हैं। ये फीसे 1 अक्टूबर, 1974 से लागू हो जाएंगी।

अनुसूची

क्रम सं०	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की पदसंख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
1	2	3	4	5
1.	सोडा राख, तकनीकी	IS : 251-1962 सोडा राख, तकनीकी की विशिष्टि (पुनरीक्षित)	एक मीटरी टन	(1) पहली 10,000 इकाइयों के लिए 20 पैसे प्रति इकाई; (2) अगली 10,000 इकाइयों के लिए 10 पैसे प्रति इकाई; (3) 20,001 वीं और उससे ऊपर की इकाइयों के लिए 5 पैसे प्रति इकाई।
2.	कास्टिक सोडा, तकनीकी	IS : 252-1962 कास्टिक सोडा तकनीकी की विशिष्टि (पुनरीक्षित)	एक मीटरी टन	(1) पहली 10,000 इकाइयों के लिए 20 पैसे प्रति इकाई; (2) अगली 10,000 इकाइयों के लिए 10 पैसे प्रति इकाई; और (3) 20,001 वीं और उससे आगे की इकाइयों के लिए 5 पैसे प्रति इकाई।
3.	रसायन उद्योग के लिए साधारण समक	IS : 797-1967 रसायन उद्योग के लिए साधारण समक की विशिष्टि (पहला पुनरीक्षण)	एक मीटरी टन	(1) पहली 10,000 इकाइयों के लिए 25 पैसे प्रति इकाई; (2) अगली 10,000 इकाइयों के लिए 10 पैसे प्रति इकाई; और (3) 20,001 वीं और उससे आगे की इकाइयों के लिए 5 पैसे प्रति इकाई।
4.	ब्रोमीन, तकनीकी	IS : 2142-1962 ब्रोमीन, तकनीकी की विशिष्टि	एक मीटरी टन	₹ 5.00
5.	अमोनियम ब्रोमाइड, शुद्ध तथा विश्लेष्य अभिकर्मक	IS : 2723-1964 अमोनियम ब्रोमाइड शुद्ध तथा विश्लेष्य अभिकर्मक की विशिष्टि	एक मीटरी टन	₹ 5.00
6.	सोडियम ब्रोमाइड, शुद्ध	IS : 2780-1964 सोडियम ब्रोमाइड, शुद्ध की विशिष्टि	एक मीटरी टन	₹ 5.00
7.	पोटेशियम ब्रोमाइड	IS : 2797-1965 पोटेशियम ब्रोमाइड की विशिष्टि	एक मीटरी टन	₹ 5.00
8.	सोडा राख, बुझी, तकनीकी	IS : 6135-1971 सोडा राख, बुझी, तकनीकी की विशिष्टि	एक मीटरी टन	(1) पहली 10,000 इकाइयों के लिए 20 पैसे प्रति इकाई; (2) अगली 10,000 इकाइयों के लिए 10 पैसे प्रति इकाई; और (3) 20,001 वीं और उससे आगे की इकाइयों के लिए 5 पैसे प्रति इकाई।

S.O. 3223.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee (s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from 1st October 1974

THE SCHEDULE




Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1.	Soda ash, technical	IS : 251-1962 Specification for soda ash, technical (revised)	One Tonne	(i) 20 Paise per unit for the first 10,000 units; (ii) 10 Paise per unit for the next 10,000 units; and (iii) 5 Paise per unit for the 20,001st unit & above.
2.	Caustic soda, technical	IS : 252-1962 Specification for caustic soda, technical (revised)	One Tonne	(i) 20 Paise per unit for the first 10,000 units; (ii) 10 Paise per unit for the next 10,000 units; and (iii) 5 Paise per unit for the 20,001st unit & above.
3.	Common salt for chemical industry	IS : 797-1967 Specification for common salt for chemical industries (first revision)	One Tonne	(i) 20 Paise per unit for the first 10,000 units; (ii) 10 Paise per unit for the next 10,000 units; and (iii) 5 Paise per unit for the 20,001st unit & above.
4.	Bromine, technical	IS : 2142-1962 Specification for bromine, technical	One Tonne	Rs. 5.00
5.	Ammonium bromide, pure and analytical reagent	IS : 2723-1964 Specification for ammonium bromide, pure and analytical reagent	One Tonne	Rs. 5.00
6.	Sodium bromide, pure	IS : 2780-1964 Specification for sodium bromide, pure	One Tonne	Rs. 5.00
7.	Potassium bromide	IS : 2797-1964 Specification for potassium bromide	One Tonne	Rs. 5.00
8.	Soda ash, fused, technical	IS : 6135-1971 Specification for soda ash, fused, technical	One Tonne	(i) 20 Paise per unit for the first 10,000 units; (ii) 10 Paise per unit for the next 10,000 units and (iii) 5 Paise per unit for the 20,001st unit & above.






[No. CMD/13 : 10]

का०प्र० 3224--भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 4 के उप-विनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि जिन नामक चिह्नों का डिजाइन, उनके शार्दिक विवरण तथा तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए गए हैं, वे भारतीय मानक संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न 1 अक्टूबर, 1974 से लागू हो जाएंगे।

अनुसूची

क्रम सं०	मानक चिह्न की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की पदसंख्या और शीर्षक	मानक चिह्न की डिजाइन का शार्दिक विवरण
1	2	3	4	5
1		सोड़ा राख, तकनीकी	IS : 251-1962 सोड़ा राख, तकनीकी की विशिष्टि (पुनरीक्षित)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
2		कास्टिक सोड़ा, तकनीकी	IS : 252-1962 कास्टिक सोड़ा, तकनीकी की विशिष्टि (पुनरीक्षित)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
3		रसायन उद्योग के लिए साधारण नमक	IS : 797-1967 रसायन उद्योग के लिए साधारण नमक की विशिष्टि (पहला पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।



1	2	3	4	5
4		ब्रोमीन, तकनीकी	IS : 2142-1962 ब्रोमीन, तकनीकी की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
5.		ब्रोमोनियम ब्रोमाइड, शुद्ध तथा विप्लेयी अभिकर्मक	IS : 2723-1964 ब्रोमोनियम ब्रोमाइड शुद्ध तथा विप्लेयी अभिकर्मक की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
6.		सोडियम ब्रोमाइड, शुद्ध	IS : 2780-1964 सोडियम ब्रोमाइड, शुद्ध की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
7.		पोटेशियम ब्रोमाइड	IS : 2797-1964 पोटेशियम ब्रोमाइड की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
8.		भोडा राख, बुसी, तकनीकी	IS : 6135-1971 भोडा राख, बुसी, तकनीकी की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।







[सं० सीएमडी/13 : 9]
ए० के० गुप्ता, उपमहानिदेशक

S.O. 3224—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 October, 1974 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
1	2	3	4	5
1.		Soda ash, technical	IS : 251-1962 Specification for soda ash, technical (revised)	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2.		Caustic soda, technical	IS : 252-1962 Specification for caustic soda technical (revised)	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

1	2	3	4	5
3.		Common salt for chemical industries	IS : 797-1967 Specification for common salt for chemical industries (first revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. 2; the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
4.		Bromine, technical	IS : 2142-1962 Specification for bromine, technical	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
5.		Ammonium bromide, pure and analytical reagent	IS : 2723-1964 Specification for ammonium bromide, pure and analytical reagent	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
6.		Sodium bromide, pure	IS : 2780-1964 Specification for sodium bromide, pure	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
7.		Potassium bromide	IS : 2797-1964 Specification for potassium bromide	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
8.		Soda ash, fused, technical	IS : 6135-1971 Specification for soda ash, fused, technical	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

A. K. GUPTA, Deputy Director General

उद्योग तथा नागरिक सभरण मंत्रालय

नई दिल्ली, 11 नवम्बर 1974

का प्र. 3225—केन्द्रीय सरकार, लोक परिसर (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम की धारा 2 के खंड (क) के उप-खंड (1) की धारा (1) के अर्थ के अन्तर्गत नेशनल न्यूजप्रिंट एंड पेपर लिमिटेड, लिमिटेड, नेपालनगर नामक कंपनी के विधि अधिकारी श्री जी० जी० कोवबानी को उक्त अधिनियम के प्रयोजनों के लिये संपदा अधिकारी के रूप में नियुक्त करती है और वह निदेश देती है कि वह इससे उपायय अनुसूची में विनिर्दिष्ट सीमाओं के भीतर स्थित, सभी प्रवृत्तों के लोक परिसरों के समक्ष में उक्त अधिनियम के अधीन संपदा-अधिकारी को प्रवृत्त शक्तियों का प्रयोग करेगा और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

अनुसूची

नेशनल न्यूजप्रिंट एंड पेपर लिमिटेड, नेपालनगर टाउनशिप की स्थानीय सीमाएं, जिनके भीतर कोई संपदा अधिकारी अधिनियम के

अधीन अपनी शक्तियों का प्रयोग कर सकेगा और अपने कर्तव्यों का पालन कर सकेगा।

क्रम संख्या	जिला का नाम	तहसील का नाम	राम का नाम	खसरा संख्या	क्षेत्र एकड़ों में
1	2	3	4	5	6
1.	पूर्व निमाड़ खंडवा	बुरहानपुर	नेपालनगर	धन उप-खंड सं०	
				1	395.42
				सं० 8	426.64
				43	9.88
				57	11.89
				40	21.57
				92.86	0.50
				34.42	7.58
				94.95	0.96
				84	0.26
				65	9.77

SCHEDULE

Limits of the National Newsprint and Paper Mills Limited, Neapanagar, townshp.

खसरा सं०	क्षेत्र, एकड़ों में
25, 34	6 49
19	0 50
27	0 63
13	0 70
55	11 29
56	1 20
59	9 18
60	15 59
63	13 92
20	0 17
37	1 40
49	0 18
54	1 22
58	0 31
75	1 91
11	1 69
63	0 72
2	0 27
52	0 40
46	2 30
38	0 28
99	0 64
41	0 20
62	182 14
64	0 07
85	0 02
87	0 02
93	0 02
97	2 46
1,143.17	

[सं० 49 (7)/71-पेपर]

ए० के० घोष, अपर सचिव

MINISTRY OF INDUSTRY & CIVIL SUPPLIES

New Delhi, the 11th November, 1974

S.O. 3225.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government, hereby appoints Shri G.J. Kedwani, Legal Officer, National Newsprint and Paper Mills Limited, Neapanagar, a company within the meaning of item (i) of sub-clause (1) of clause (c) of Section 2 of the said Act, to be an estate officer for the purposes of the said Act and directs that he shall exercise the powers conferred and perform the duties imposed on the estate officer under the said Act, in respect of all categories of public premises, situated within the limits specified in the Schedule annexed hereto.

Sl. No.	Name of District	Name of Tehsil	Name of Village	Khasra Nos.	Area in Acres
1. East Nimar, Burhanpur Neapanagar Forest Compartment Khandwa					
				1..	395.42
				No. 8	426.64
				43	9.88
				57	11.89
				40	21.57
				92-86	0.50
				34-42	7.58
				94.95	0.96
				84	0.26
				65	9.77
				25-34	6.49
				19	0.50
				27	0.63
				13	0.70
				55	11.29
				56	4.20
				59	9.18
				60	15.59
				63	13.92
				20	0.17
				37	1.49
				49	0.18
				54	1.22
				58	0.81
				75	1.19
				11	1.69
				53	0.72
				2	0.27
				52	0.40
				46	2.30
				38	0.28
				99	0.64
				41	0.20
				62	182.14
				64	0.07
				85	0.02
				87	0.02
				93	0.02
				97	2.46
					1143.17

[No. 49(7)/71-Paper]
A. K. Ghosh, Addl. Secy.उद्योग और नागरिक पूर्ति मंत्रालय
(नागरिक पूर्ति विभाग)

नई दिल्ली 25 नवम्बर, 1974

क्र० आ० 3226.—केंद्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन दी सेन्ट्रल इंडिया कामगिर्यन एक्स्पेंज लि० ग्वालियर द्वारा मान्यता के तबीनकरण के लिये किए गये प्रावेदन पर बायदा बाजार आयोग के परामर्श से बिचार करके और यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एक्स्पेंज को गुड की अधिम सविश्राप्ता के बारे में, 26 नवम्बर, 1974 से लेकर 25 नवम्बर, 1975 (जिसमें ये दोनों दिन भी सम्मिलित हैं) को एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एक्स्पेंज ऐसे निदेशों का अनुपालन करेगा जो बायदा बाजार आयोग द्वारा समय-समय पर दिए जाएंगे।

[क्र० सं० 12 (21) आई० टी०/74]

MINISTRY OF INDUSTRY & CIVIL SUPPLIES

(Department of Civil Supplies & Cooperation)

New Delhi, the 25th November, 1974

S.O. 3226.—The Central Government having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Central India Commercial Exchange Limited, Gwalior, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from the 26th November, 1974 upto the 25th November, 1975 (both days inclusive) in respect of forward contracts in gur.

2 The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F No 12(21)-IT/74]

नई दिल्ली, 28 नवम्बर, 1974

क्र० प्र० 3227.—केन्द्रीय सरकार हांसी पंजाब कर्मागल एक्स-चेंज लि०, हांसी द्वारा मान्यता के पुनर्नवीकरण के लिये अधिम सविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन दिए गए आवेदन पर, वायदा बाजार आयोग से परामर्श करके, विचार कर लेने पर और अपना यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त एक्सचेंज को विनीला की अधिम सविदाओं की बाबत, 13 जनवरी, 1975 से लेकर 12 जनवरी, 1976 तक (जिसमें ये दोनों दिन भी सम्मिलित हैं) एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती है।

2 एनद द्वारा प्रदत्त मान्यता हरा शर्त के अध्वधीन है कि उक्त एक्स-चेंज वायदा बाजार आयोग द्वारा समय-समय पर दिए जाने वाले निदेशों का अनुपालन करेगा।

[क्र० सं० 12(20)-आई०टी०/74]

के० रामानुजम, संयुक्त सचिव

New Delhi, the 28th November, 1974

S.O. 3227.—The Central Government having considered in consultation with the Forward Markets Commission the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Hansi Punjab Commercial Exchange Ltd., Hansi, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from the 13th January, 1975 to the 12th January, 1976 (both days inclusive) in respect of forward contracts in cottonseed.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may, from time to time, be given by the Forward Markets Commission

[F. No 12(20)-IT/74]

K. RAMANUJAM, Jt. Secy.

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 16 नवम्बर, 1974

क्र० प्र० 3228.—यह केन्द्रीय सरकार का यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में मलाया पत्तन में उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय तेल निगम द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों का बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख एतद् द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में निगम कोई व्यक्ति, उम भूमि के मालिक पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी, भारतीय तेल, निगम लि०, मलाया-कोयली/मथुरा पाइपलाइन प्रायोजना 'डोली' 33-बी हरिहर सोमाइटी, राजकोट को हम अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

तानुका — आनन्द	जिला — खेडा	गुजरात राज्य	सीमा		
			एक	द्वार	वर्ग मील
1	2	3	4	5	
वसाद	972/ए	0	37	25	
	971/बी	0	02	88	
	29	0	00	80	
	956	0	34	08	
	15/14	0	10	25	
	15/13	0	06	50	
	15/10	0	05	75	
	15/7	0	07	25	
	15/8	0	09	23	
	15/6	0	15	04	
	15/1	0	18	33	
	932	0	05	55	
	14	0	00	16	
	978	0	06	07	
	878	0	04	05	
	876 1 ± 2 ± 3	0	09	11	
	867/3	0	04	05	
	867/1	0	08	09	

1	2	3	4	5	1	2	3	4	5
	848/1	0	01	01		603/2]	0	00	58
	843	0	05	06		603/1]	0	02	75
	844/3	0	05	05		605	0	02	75
	845	0	05	05		604	0	01	05
	846	0	07	08		582	0	01	25
	749	0	02	02		580	0	03	84
	750	0	11	13		579	0	15	08
	751/1]	0	04	05		575	0	01	60
	791	0	02	03		574	0	09	12
	790/1]	0	07	08		563	0	02	02
	788	0	06	07		562	0	07	09
	787/3]	0	06	07		565	0	03	52
	786	0	06	07		566/3	0	05	06
	783/1	0	08	10		566/2	0	02	88
	781	0	04	05		566/1	0	02	88
	782	0	01	01		567/2	0	07	09
	675	0	05	31		567/1	0	00	64
	677/1	0	08	50		554	0	04	05
	680	0	00	80		422/5	0	00	75
	682	0	00	96		429	0	07	00
	681	0	07	36		430	0	03	50
	661	0	03	50		442	0	05	00
	660	0	10	00		441	0	02	25
	622	0	00	48		444	0	07	36
	659	0	00	16		445	0	01	60
	658	0	01	75		447	0	00	32
	647	0	04	96		446/6	0	03	20
	641	0	05	44		446/3	0	04	00
	642	0	00	08		446/2	0	02	06
	638/1	0	00	32		446/1	0	00	20
	640/2	0	06	40		452	0	03	68
	639/3'	0	08	64		454	0	00	16
प्रदाय	700	0	07	52		453	0	05	28
	698	0	13	44		465	0	04	16
	696	0	03	36		462	0	05	44
	694	0	05	28		461	0	04	96
	679	0	07	20		460	0	00	12
	662	0	06	08		145	0	08	64
	677	0	04	10		165	0	00	80
	663	0	00	80		146/2	0	04	96
	676	0	03	68		146/1बी	0	01	60
	675	0	04	14		146/1ए	0	03	36
	674	0	08	32		147/1	0	04	64
	666	0	03	36		149	0	11	20
	668	0	00	16		150	0	07	20
	670	0	02	72		151	0	01	92
	669	0	04	00		152	0	04	48
	671	0	02	02		133	0	16	00
	602	0	04	05		130	0	11	52
	603/3	0	01	01	नम्याद (बांटी)	597	0	01	61

	1	2	3	4	5		1	2	3	4	5
मदीय		598	0	10	12			199	0	23	38
		601	0	09	10			198	0	04	80
		608	0	09	11			47/3	0	02	88
		609	0	07	08			48	0	05	92
		626	0	03	03			49/6	0	00	08
		628	0	08	09			49/5	0	03	36 ¹
		617	0	00	16			49/4	0	01	44
		606	0	12	00			49/3	0	02	08
		605	0	08	32			49/2 ¹	0	00	40
		604	0	09	44			60	0	05	76
		603	0	02	56			61	0	02	72
		602	0	02	28			62	0	03	84
		593/2	0	06	24			64	0	03	84
		593/1	0	00	96			65	0	15	04
		592	0	02	25			70	0	08	35
		594	0	05	76			67/3	0	00	08
		515	0	10	40			67/1	0	06	32
		516	0	10	75			1423	0	10	34
		517	0	04	75			1424	0	03	50
		502/3	0	01	75			1421	0	09	92
		502/2	0	04	80			1422	0	04	96
		501	0	07	36			1415	0	06	40
		500	0	07	00			1417/3	0	00	32
		499	0	01	25			1417/2	0	07	20
		449/5	0	00	25			1418/1	0	00	32
		449/4	0	03	50	मैत्र गुंड		28/2	0	09	12
		449/3	0	01	37			28/1	0	00	64
		450	0	06	85			29/1/2	0	04	00
		451	0	06	75			29/1/1	0	01	60
		465/2	0	07	08			29/2/ए	0	01	76
		465/1	0	05	25			29/2/1बी	0	00	25
		464	0	03	84			25	0	00	32
		463	0	04	32			24	0	05	60
		461	0	06	24			23/2	0	03	68
		460	0	00	32			23/1	0	02	24
		257	0	08	96			22	0	00	50
		256	0	06	40			32	0	02	72
		255	0	01	92			33	0	10	40
		261	0	04	04			42	0	05	12
		263	0	10	24			41	0	04	35
		264	0	23	36			37	0	05	28
		266	0	26	40			38	0	02	72
		268/1	0	13	12			61	0	04	88
		269	0	00	58			60/3	0	00	20
		211	0	03	84			60/2	0	07	68
		202/ए/2	0	30	40			60/1	0	06	40
		202/ए/1	0	10	24			59/1	0	02	40
		203	0	23	04			64	0	01	60
		204	0	00	64			65	0	11	20
		200	0	08	00			68/3	0	06	08
								68/1	0	06	72

1	2	3	4	5	1	2	3	4	5
मानन्द	1644	0	78	08		853	0	00	64
	1281	0	00	32		848+849	0	14	40
	1282	0	05	44		847	0	02	56
	1299	0	07	68		726	0	08	64
	1300/1	0	03	52		727	0	02	08
	1298/2	0	01	92		728	0	04	96
	1298/1	0	05	44		821	0	04	96
	1294	0	03	36		816/1+2	0	05	28
	1295	0	05	98		815	0	00	49
	1253	0	03	18		814	0	03	52
	1254	0	00	64		734/1 से 7	0	24	00
	1245	0	04	16		737	0	00	96
	1246	0	07	68		619	0	00	20
	1240/5-6	0	00	96		618	0	08	96
	1240/4	0	06	40	बकरील	2091	0	09	72
	1240/3	0	03	88		2090	0	07	04
	1240/2	0	01	76		2094	0	02	40
	1241/3	0	00	32		2089	0	03	68
	1241/2	0	02	40		2088	0	03	04
	1241/1	0	02	72		2099	0	05	60
	1238/1-2	0	06	40		2104	0	00	80
	1321	0	01	12		2101	0	04	64
	1326/ए	0	05	60		2123	0	04	48
	1324	0	02	72		2122	0	03	20
	1177	0	02	56		2134	0	08	00
	1176	0	08	00		2131	0	00	16
	1175	0	05	44		2135/1	0	05	92
	1174	0	00	16		2135/2	0	00	96
	1170	0	06	88		2136	0	05	60
	1168	0	01	28		2138	0	00	16
	1169	0	10	40		2139/3	0	11	52
	1147	0	03	48		2139/2	0	09	12
	1148	0	05	12		2139/1	0	03	04
	1118	0	01	76		2142	0	06	88
	1117	0	01	80		2144	0	13	28
	1110	0	04	48		2145	0	06	56
	1109	0	08	32		2605	0	08	09
	1108	0	01	08		2208	0	04	05
	1107	0	01	08		2204/1	0	07	20
	1032	0	02	56		2205	0	00	04
	1025	0	03	24		2202	0	02	03
	1023+1024	0	04	00		2203	0	12	60
	1022	0	01	92		2200	0	00	80
	1019	0	02	56		2194	0	00	32
	1018	0	03	20		2193	0	22	52
	1017	0	06/1	52		2184/1	0	19	68
	856	0	09	44		21184/2	0	02	24
	857	0	03	68		2279	0	19	36
	858	0	04	00		2280	0	00	64
	852	0	03	20		2272	0	03	91

1	2	3	4	5
	2277	0	03	81
	2276	0	07	28
	2275	0	05	20
	2318	0	00	16
	2274	0	10	24
	2319	0	11	52
	2438	0	13	28
	2439	0	08	80
	2436	0	15	36
	2498	0	20	00
	2500	0	11	52
	1817	0	00	32
	2506	0	36	80
	1810	0	10	98
	1809	0	01	76
	1806	0	00	96
	1799	0	14	56
	1798	0	06	40
	1794	0	04	48
	1800	0	07	52
	1671	0	08	96
	1672	0	22	56
	1674/1	0	08	00
	1674/3	0	04	16
	1675/2	0	11	84
	1676	0	07	04
	1607/1+2	0	08	96
	1609/1	0	04	00
	1608/2	0	03	68
	1608/3	0	11	04
	1595/2	0	00	76
	1584/1	0	10	12
	1583/4	0	06	07
	1587	0	01	26
	1588	0	12	65
	1590	0	05	06
	1589	0	03	04
	1541	0	07	08
	1546	0	02	83
	1545	0	04	30
	1544	0	09	87
	1152/2	1	31	52
	1267	0	14	16
	1268	0	15	43
	1235	0	00	76
	1274	0	01	77
	1234/4	0	26	30
	1231	0	18	40
	1230	0	01	44
	1229	0	15	20

1	2	3	4	5
	1222	0	00	48
	1217	0	13	92
	1221	0	06	88
	1219	0	01	82
	1220	0	17	44

[सं० 12017/4/74-एन एण्ड एल/1]

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 16th November, 1974

S. O. 3228.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Salaya Pert in Gujarat to Mathura in Uttar Pradesh Pipelines should be laid by the India Oil Corporation, Limited.

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by subsection (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein;

Provide that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Indian Oil Corporation Limited, Salaya-Koyali-Mathura Pipeline Project "DOLI" 33-B Harihar Society, Rajkot.

And every person making such an objection shall also state specifically whether the wishes to be heard in person or by a legal practitioner.

SCHEDULE

Taluka:- ANAND District:- KHEDA GUJARAT STATE

Village	Survey No.	Extent		
		H.	A.	Sq. M.
VASAD	972/A	0	37	25
	971/B	0	02	88
	29	0	00	80
	956	0	34	08
	15/14	0	10	25
	15/13	0	06	50
	15/10	0	05	75
	15/7	0	07	25
	15/8	0	09	23
	15/6	0	15	04
	15/1	0	18	33
	932	0	05	55
	14	0	00	16
	976	0	06	07
	878	0	04	05
	876	0	09	11
	1-2-3			
	867/3	0	04	05
	867/1	0	08	09
	848/1	0	01	01
	843	0	05	06

1	2	3	4	5	1	2	3	4	5
VASAD (contd)—....	844/3	0	05	06					
	845	0	05	06		454	0	00	16
	846	0	07	08		453	0	05	28
	749	0	02	02		465	0	04	16
	750	0	11	13		462	0	05	44
	751-1	0	04	05		461	0	04	96
	791	0	02	03		460	0	00	12
	790/1	0	07	08		145	0	08	64
	788	0	06	07		165	0	00	80
	787/3	0	06	07		146/2	0	04	96
	786	0	06	07		146/1/B	0	01	60
	783/1	0	08	10		146/1/A	0	03	36
	781	0	04	05		147/1	0	04	64
	782	0	11	01		149	0	11	20
	675	0	05	31		150	0	07	20
	677/1	0	08	50		151	0	01	92
	680	0	00	80		152	0	04	48
	682	0	00	96		133	0	16	00
	681	0	07	36		130	0	11	52
	661	0	03	50	NAPAD (VANTO)	597	0	01	01
	660	0	10	00		598	0	10	12
	662	0	00	48		601	0	09	10
	659	0	00	16		608	0	09	11
	658	0	04	75		809	0	07	08
	647	0	04	96		626	0	03	03
	641	0	05	44		628	0	08	09
	642	0	00	08	VADOD	617	0	00	16
	638/1	0	0	32		606	0	12	00
	640/2	0	06	40		605	0	08	32
	639/3	0	08	64		604	0	09	44
ADAS	700	0	07	52		603	0	02	56
	698	0	13	44		602	0	02	28
	696	0	03	36		593/2	0	06	24
	694	0	05	28		593/1	0	00	96
	679	0	07	20		592	0	02	25
	662	0	06	08		594	0	05	76
	677	0	04	10		515	0	10	40
	663	0	00	80		516	0	10	75
	676	0	03	68		517	0	04	75
	675	0	04	14		502/3	0	01	75
	674	0	08	32		502/2	0	04	80
	666	0	03	36		501	0	07	36
	668	0	00	16		500	0	07	00
	670	0	02	72		499	0	01	25
	669	0	04	00		449/5	0	00	25
	671	0	02	02		449/4	0	03	50
	602	0	04	05		449/3	0	01	37
	603/3	0	01	01		450	0	06	85
	603/2	0	00	58		451	0	06	75
	603/1	0	02	75		465/2	0	07	08
	605	0	02	75		465/1	0	05	25
	604	0	01	05		464	0	03	84
	582	0	01	25		463	0	04	32
	580	0	03	85		461	0	06	24
	579	0	15	08		460	0	00	32
	575	0	01	60		257	0	08	96
	574	0	09	12		256	0	06	40
	563	0	02	02		255	0	01	92
	562	0	07	09		261	0	04	04
	565	0	03	52		263	0	10	24
	566/3	0	05	06		264	0	23	36
	566/2	0	02	88		266	0	26	40
	566/1	0	02	88		268/1	0	13	12
	567/2	0	07	09		269	0	00	58
	567/1	0	00	64		211	0	03	84
	554	0	04	05		202/A/2	0	30	40
	422/5	0	00	75		202/A/1	0	10	24
	429	0	07	00		203	0	23	04
	430	0	03	50		204	0	00	64
	442	0	05	00		200	0	08	00
	441	0	02	25		199	0	23	36
	444	0	07	36		198	0	04	80
	445	0	01	60		47/3	0	02	88
	447	0	00	32		48	0	05	92
	446/6	0	03	20		49/6	0	00	08
	446/3	0	04	00		49/5	0	03	36
	446/2	0	02	08		49/4	0	01	44
	446/1	0	00	20		49/3	0	02	08
	452	0	03	68		49/2	0	00	40
						60	0	05	76

1	2	3	4	5	1	2	3	4	5
VADOD (contd.)	61	0	02	72	ANAND (conti...)	1109	0	08	32
	62	0	03	84		1108	0	01	08
	64	0	03	84		1107	0	01	08
	65	0	15	04		1032	0	02	56
	70	0	08	35		1025	0	03	24
	67/3	0	00	08		1023 + 1024	0	04	00
	67/1	0	06	32		1022	0	01	92
	1423	0	10	34		1019	0	02	56
						1018	0	03	20
	1424	0	03	50		1017	0	06	52
	1421	0	09	92		856	0	09	44
	1422	0	04	96		857	0	03	68
	1415	0	06	40		858	0	04	00
	1417/3	0	00	32		852	0	03	20
	1417/2	0	07	20		853	0	00	64
	1417/1	0	00	32		848-849	0	14	40
HADGOOD	28/2	0	09	12		847	0	02	56
	28/1	0	00	64		726	0	08	64
	29/1/2	0	04	00		727	0	02	08
	29/1/1	0	01	60		728	0	04	96
	29/2/1/A	0	01	76		821	0	04	96
	29/2/1/B	0	00	25		816+1+2	0	05	28
	25	0	00	32		815	0	00	48
	24	0	05	60		814	0	03	52
	23/2	0	03	68		734/1 to 7	0	24	00
	23/1	0	02	24		737	0	00	96
	22	0	00	50		619	0	00	20
	32	0	02	72		618	0	08	96
	33	0	10	40	BAKROL	2091	0	02	72
	42	0	05	12		2090	0	07	04
	41	0	04	35		2094	0	02	40
						2089	0	03	68
	37	0	05	28		2088	0	03	04
	38	0	02	72		2099	0	05	60
	61	0	04	88		2104	0	00	80
	60/3	0	00	20		2101	0	04	64
	60/2	0	07	68		2123	0	04	48
	60/1	0	06	40		2122	0	03	20
	59/1	0	02	40		2134	0	08	00
	64	0	01	60		2131	0	00	16
	65	0	11	20		2135/1	0	05	92
	68/3	0	06	08		2135/2	0	00	96
	68/1	0	06	72		2136	0	05	60
ANAND	1644	0	78	08		2138	0	00	16
	1281	0	00	32		2139/3	0	11	52
	1282	0	05	44		2139/3	0	09	12
	1299	0	07	68		2139/1	0	03	04
	1300/1	0	03	52		2142	0	06	88
	1298/2	0	01	92		2144	0	13	28
	1298/1	0	05	44		2145	0	06	56
	1294	0	03	36		2605	0	08	09
	1295	0	05	98		2208	0	04	05
	1253	0	03	18		2204/1	0	07	20
	1254	0	00	64		2205	0	00	04
	1245	0	04	16		2202	0	02	03
						2203	0	12	60
	1246	0	07	68		2200	0	00	80
	1240/5-6	0	00	96		2194	0	00	32
	1240/4	0	06	40		2193	0	22	52
	1240/3	0	03	68		2184/1	0	19	68
	1240/2	0	01	76		2184/2	0	02	24
	1241/3	0	00	32		2279	0	19	36
	1241/2	0	02	40					
	1241/1	0	02	72		2280	0	00	64
	1238/1+2	0	06	40		2272	0	03	91
	1321	0	01	12		2277	0	03	91
	1326/A	0	05	60		2276	0	07	28
	1324	0	02	72		2275	0	05	20
	1177	0	02	56		2318	0	00	16
	1176	0	08	00		2274	0	10	24
	1175	0	05	44		2319	0	11	52
	1174	0	00	16		2438	0	13	28
	1170	0	06	88					
	1168	0	01	28		2439	0	08	80
	1169	0	10	40		2436	0	15	36
	1147	0	03	48		2498	0	20	00
	1148	0	05	12		2500	0	11	52
	1118	0	01	76		1817	0	00	32
	1117	0	00	80		2506	0	36	80
	1110	0	04	48		1810	0	10	88
						1809	0	01	76

1	2	3	4	5
BAKROL (contd .)	1806	0	00	96
	1799	0	14	56
	1798	0	06	40
	1794	0	04	48
	1800	0	07	52
	1671	0	08	96
	1672	0	22	56
	1674/1	0	08	00
	1674/3	0	04	16
	1675/2	0	11	84
	1676	0	07	04
	1607/1 +2	0	08	96
	1609/1	0	04	00
	1608/2	0	03	68
	1608/3	0	11	04
	1595/2	0	00	76
	1584/1	0	10	12
	1583/P	0	06	07
	1587	0	01	26
	1588	0	12	65
	1590	0	05	06
	1589	0	03	04
	1541	0	07	08
	1546	0	02	52
	1545	0	04	30
	1544	0	09	87
	1152/2	1	31	52
	1267	0	14	16
	1268	0	15	43
	1235	0	00	76
	1274	0	01	77
	1234/P	0	26	30
	1231	0	18	40
	1230	0	01	44
	1229	0	15	20
	1222	0	00	48
	1217	0	13	92
	1221	0	06	88
	1219	0	01	28
	1220	0	17	44

[No. 12017/4/74-L&L/I]

क्र० अ० 3229—यन केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सलाया पत्तन में उतर प्रवेश में मथरा तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय तेल निगम लि० द्वारा बिल्दाई जानी चाहिए।

और यन ऐसी जगहों को बिलाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः उक्त भूमि में तिराड रोड व्यक्ति उस भूमि के नीचे पाइपलाइन बिलाने के लिए आक्षेप-रहित प्राधिकारी, भारतीय तेल निगम लि०, सलाया-कोयली/मथरा पाइपलाइन प्रोजेक्ट, "डोरनी"—33-वीं, हरिहर सोमराटी, राजकोट को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

ऐसा आक्षेप करने वाला हर व्यक्ति निर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत तः या किसी विधि व्यवसायी की मार्फत।

अनुसूची				
तापुका-बनकानेर	जिला-राजकोट	गुजरात राज्य		
गांव	सर्वेक्षण सभ्यता	एच	सीमा	वर्ग
		-	ए	मील
1	2	3	4	5
जेपुर	78 पी/1	0	09	11
	78 पी/2	0	13	15
	80	0	43	50
	42	0	22	22
	41	0	14	16
	159 पी/4	0	25	29
	16	0	13	15
	15	0	26	30
	11	0	16	19
	155	0	22	16
	154	0	29	34
	146	0	03	03
	150	0	24	28
	149	0	19	12
वासुन्ध	9	0	05	06
	10	0	25	29
	65 पी/1	0	65	76
	65 पी/2	0	22	26
	65 पी/3	0	03	03
जालिया	32 पी	0	11	13
	33 पी	0	21	24
	107 पी	0	34	40
	66/1/पी	0	19	22
रगपार	138	0	51	60
	136	0	20	23
	119	0	06	07
	134/1	0	18	21
	134/2	0	05	06
	121/1	0	10	12
	121/2 पी/1	0	13	15
	121/2 पी/2	0	18	26
	112/2	0	01	01
	112/3	0	09	11
	111/1	0	12	14
	109/1	0	19	22
	109/2	5	03	04
	108 पी	0	08	09

1	2	3	4	5
भालगाम	4/3 पी	0	07	08
	4/2 पी	0	23	27
	6/3 पी	0	21	25
	8/3 पी	0	16	19
	8/4 पी	0	00	72
	60 पी	0	16	19
मेसारिया	388 पी	0	17	20
	378/1 पी	0	17	20
	377/2 पी	0	15	18
	374 पी	0	09	11
	375 पी	0	13	15
	358 पी	0	06	07
	359 पी	0	24	28
	357/1	0	10	12
	357/2	0	25	29
	356	0	09	11

[संख्या 12017/4/74-एल एण्ड एल/2]

S.O. 3229.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Salaya Port in Gujarat to Mathura in Uttar Pradesh Pipelines should be laid by the Indian Oil Corporation Limited.

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act. 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Indian Oil Corporation Limited, Salaya-Koyali/Mathura Pipeline Project, "DOLI" 33-B, Harihar Society, Rajkot.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Taluka : WANKANER District : RAJKOT GUJARAT STATE

Village	Survey No.	Extent		Sq. M.
		H.	A.	
1	2	3	4	5
JAIPUR	78P/1	0	09	11
	78P/2	0	13	15
	80	0	43	50
	42	0	22	26
	41	0	14	16
	159P/4	0	25	29
	16	0	13	15
	15	0	26	30
	11	0	16	19
	155	0	22	16
	154	0	29	34
	146	0	03	03
	150	0	24	28
	149	0	19	12

1	2	3	4	5
VASUNDRA	9	0	05	06
	10	0	25	29
	65P/1	0	65	76
	65P/2	0	22	26
	65P/3	0	03	03
JALIDA	32P	0	11	13
	33P	0	21	24
	107P	0	34	40
	66/1P	0	19	22
RANGPAR	138	0	51	60
	136	0	20	23
	119	0	06	07
	134/1	0	18	21
	134/2	0	05	06
	121/1	0	10	12
	121/2 P/1	0	13	15
	121/2 P/2	0	18	28
	112/2	0	01	01
	112/3	0	09	11
	111/1	0	12	14
	109/1	0	19	22
	109/2	0	03	04
	108/P	0	08	09
BHARGAM	4/3P	0	07	08
	4/2P	0	23	27
	6/3P	0	21	25
	8/3P	0	16	19
	8/4P	0	00	72
	60P	0	16	19
MESARIA	388P	0	17	20
	378/1 P	0	17	20
	377/2 P	0	15	18
	374 P	0	09	11
	375 P	0	13	15
	358P	0	06	07
	359P	0	24	28
	357/1	0	10	12
	357/2	0	25	29
	356	0	09	11

[No. 12017/4/74-L&L/II]

क्रा० प्रा० 3230.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सलाया पोर्टन से उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय तेल निगम लि० द्वारा बिछाई जाती चाहिए ।

और यतः ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः, अब, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रवृत्त व्यक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अन्तः प्रावधान एतद्वारा घोषित किया है ।

अतः उक्त भूमि में हितवादी कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समझा प्रार्थिकारी, भारतीय तेल निगम लि०, सलाया-कोयाली/मथुरा पाइपलाइन प्रोजेक्ट, "डोली"—33-सी, हरिहर सोसाइटी, राजकोट को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

ऐसा प्राक्षेप करने वाला हर व्यक्ति विनिविष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

मालुका-पधारी	जिला-राजकोट	गुजरात राज्य	सीमा	
गांव	सर्वेक्षण संख्या	एक	ए	बरां मील
1	2	3	4	5
हृदमातिया	209	0	27	43
	208	0	03	40
	134	0	15	00
	140	0	15	54
	136	0	23	96
	139	0	10	97
	138	0	47	01
	116	0	23	84
	118	0	04	57
	109	0	20	00
	108	0	09	14
	107	0	40	05
	80	0	25	61
	84	0	24	87
मोती-बलोल	51	0	44	65
	52	0	08	78
	50/1	0	19	76
	50/2	0	17	38
	49/1	0	23	70
	49/2	0	31	29
	48/1	0	16	47
	48/2	0	16	47
	43	0	27	45
	44	0	45	75
	4	0	15	37
तनी-बलोल	1 पी	0	81	25
बनपरी	61 पी	0	18	30
	60 पी/1	0	17	38
	60 पी/2	0	18	30
	59 पी/1	0	55	81
	59 पी/2	0	27	45
	58 पी	0	18	30
	56 पी	0	27	45
	52 पी	0	55	99
	49 पी	0	35	31
	48 पी	0	37	43
	47 पी/1	0	38	24
	47 पी/2	0	31	31
	47 पी/3	0	32	94

1	2	3	4	5
	45 पी	0	01	28
	44 पी	0	22	87
	43 पी	0	02	00
	40 पी	0	25	25
	39 पी	0	27	81
	38 पी	0	35	75
	34 पी	0	50	32
	33 पी	0	29	26
बोदीघोवी	120 पी	0	14	94
	117 पी	0	27	45
	116 पी	0	16	83
	115 पी	0	32	94
	113 पी	0	14	64
पदधारी	18	0	15	48
	442	0	22	86
	60	0	10	08
	447	0	30	60
	57	0	18	80
	448	0	21	60
	79	0	07	74
	78	0	09	18
	74	0	22	50
	75	0	09	25
	161	0	29	00
	159	0	29	86
	155	0	39	00
	152	0	36	70
	150	0	09	00
	147	0	29	70
	143	0	08	20
	144	0	00	09
	142	0	27	44
	139	0	66	72
	137	0	83	00
	129	0	10	00
रामपार कोटा	183 पी	0	28	80
	184	0	48	50
	181	0	07	32
	177	0	35	10
	178	0	10	06
	176	0	26	53
	168/2	0	35	87
	169/2	0	21	96
	158	0	52	19
	157	0	34	00
	153/1	0	03	23
	151	0	04	08

1	2	3	4	5
रामवार कोटा—शारी	152	0	23	42
	149	0	24	09
	143	0	21	04
हूनगरका	85	0	32	94
	84	0	36	60
	83	0	31	11
	82	0	03	29
	78	0	43	37
	77	0	05	12
	76	0	35	70
	75	0	14	64
	58/2	0	28	00
	58/1	0	10	26
	57 पी	0	55	81
बाधी	27	0	42	00
	28 पी/1	0	40	00
	28 पी/2	0	17	00
	20 पी/1	0	27	00
	20 पी/2	0	18	00
	19	0	18	00
	18	0	19	00
	77 से 82	0	24	00
	83	0	24	00
	75	0	40	00
	74	0	28	00
	86	0	12	60
	93	0	08	10
	94	0	16	00
	105	0	07	20
	104	0	18	00
	102	0	10	80
	103	0	07	20
	109	0	18	00

[संख्या 12017/4/74-एल एण्ड एल/3]

S.O.3230.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Salaya Port in Gujarat to Mathura in Uttar Pradesh Pipelines should be laid by the Indian Oil Corporation Limited.

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Indian Oil Corporation Limited, Salaya-Koyali/Mathura Pipeline Project, "DOLI" 33-B, Harihar Society, Rajkot.

And every person making such an objection shall also state specifically whether the wishes to be heard in person or by a legal practitioner.

SCHEDULE

Taluka : PADDHARI District : RAJKOT GUJARAT STATE				
Village	Survey No.	Extent		Sq. M
1	2	H.	A.	5
HADMATIA	209	0	27	43
	208	0	03	40
	134	0	15	00
	140	0	15	54
	136	0	23	96
	139	0	10	97
	138	0	47	01
	116	0	23	84
	118	0	04	57
	109	0	20	00
	108	0	09	14
	107	0	40	05
	86	0	25	61
	84	0	24	87
MOTI-CHANOL	51	0	44	65
	52	0	08	78
	50/1	0	19	76
	50/2	0	17	38
	49/1	0	23	70
	49/2	0	31	29
	48/1	0	16	47
	48/2	0	16	47
	43	0	27	45
	44	0	45	75
	4	0	15	37
NANI-CHANOL	JP.	0	81	25
VANPARI	61P.	0	18	30
	60P/1	0	17	38
	60P/2	0	18	30
	59P/1	0	55	81
	59P/2	0	27	45
	58P	0	18	30
	56P	0	27	45
	52P	0	55	99
	49P	0	35	31
	48P	0	37	43
	47P/1	0	38	24
	47P/2	0	31	31
	47P/3	0	32	94
	45P	0	01	28
	44P	0	22	87
	43P	0	02	00
	40P	0	25	25
	39P	0	27	81
	38P	0	35	75
	34P	0	50	32
	33P	0	29	26
BODIGHODI	120P	0	14	94
	117P	0	27	45
	116P	0	16	83
	115P	0	32	94
	113P	0	14	64
PADDHARI	18	0	15	48
	442	0	22	86
	60	0	10	08
	447	0	30	60
	57	0	18	80
	448	0	21	60
	79	0	07	74
	78	0	09	18

1	2	3	4	5
PADDHARI—contd				
	74	0	22	50
	75	0	09	25
	161	0	29	00
	159	0	29	86
	155	0	39	00
	152	0	36	70
	150	0	09	00
	147	0	29	70
	143	0	08	20
	144	0	00	09
	142	0	27	44
	139	0	66	72
	137	0	83	00
	129	10	00	00
RAMPAR MOTA	183P	0	28	80
	184	0	48	50
	181	0	07	32
	177	0	35	10
	178	0	10	06
	176	0	26	53
	168/2	0	35	87
	169/2	0	21	96
	158	0	52	19
	157	0	34	00
	153/1	0	03	23
	151	0	04	08
	152	0	23	42
	149	0	24	09
	148	0	21	04
DUNGARKA	85	0	32	94
	84	0	36	60
	83	0	31	11
	82	0	03	29
	78	0	43	37
	77	0	05	12
	76	0	35	70
	75	0	14	64
	58/2	0	28	00
	58/1	0	40	26
	57P	0	53	81
BAGHI	27	0	42	00
	28P/1	0	40	00
	28P/2	0	17	00
	20P/1	0	27	00
	20P/2	0	18	00
	19	0	18	00
	18	0	19	00
	77 to 82	0	24	00
	83	0	24	00
	75	0	40	00
	74	0	28	00
	86	0	12	60
	93	0	08	10
	94	0	16	00
	105	0	07	20
	104	0	18	00
	102	0	10	80
	103	0	07	20
	109	0	18	00

[No. 12017/4/74-L&1 /II]

नई दिल्ली, 18 नवम्बर, 1974

का० आ० 3231 —यह पेट्रोलियम, गार्डपलाइन (भूमि के उपयोग के आधार का खर्च) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन तथा खान और धातु मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ०स० 1736, तारीख 22-6-74 द्वारा केन्द्रीय सरकार ने उस

अधिसूचना से सम्बन्धित अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का गारड पलाइन की बिछाने के प्रयोजन के लिये अर्जित करने का अर्जन वापस कर दिया था।

और यह, सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सरकार को रिपोर्ट दे रही है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सम्बन्धित अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्दिष्ट किया है।

अब, अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से सम्बन्धित अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार गार्डपलाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में अर्जित होने के बजाय मेल और प्राकृतिक गैस आयोग में, सभी बन्धकों में मुक्त रूप में, इस घोषण के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुआ संख्या सानन्द-17 से सानन्द-27 तक गार्डपलाइन बिछाने के लिये

राज्य : गुजरात	तालुका : कनौज	जिला-महसाना
गांव	संबंधित संख्या	हेक्टर ०० ०० ००
		आ०००० आ००००
हाजीपुर	697/2/बी	0 05 37
	697/1	0 03 42
	691/2	0 02 66
	692/गार्डकी	0 04 39
	722/1	0 10 61
	722/2	0 00 50
	687	0 07 32
	685	0 16 47
	684	0 04 88
	683	0 03 66
	काटे टैंक	0 00 50
	671/3	0 02 50
	672/1	0 00 50
	672/2	0 12 69
	674	0 10 98
	675/1	0 03 05
	678/1	0 05 61
	678/2	0 05 98
	677	0 05 98
	639	0 02 93

[सं० 12016/3/74-एल एण्ड एल]

New Delhi, the 18th November, 1974.

S. O. 3231.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 1736 dated 22-6-74 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

For laying pipelines from Well No. Sanand-17 to Sanand-27.

State : GUJARAT Taluku : District : MFHSANA KALOL

Village.	Survey No.	Hec- tare	Are.	P. Are.
Hajipur	697/2/B	0	05	37
	697/1	0	03	42
	691/2	0	08	66
	692/Paiki	0	04	39
	722/1	0	10	61
	722/2	0	00	50
	687	0	07	32
	685	0	16	47
	684	0	04	88
	683	0	03	66
	Cart track	0	00	50
	671/3	0	02	50
	672/1	0	03	50
	672/2	0	12	69
	674	0	10	98
	675/1	0	03	05
	678/1	0	05	61
	678/2	0	05	98
	677	0	05	98
	639	0	02	93

[N. 12016/5, 74-L&L.]

नई दिल्ली, 14 नवम्बर, 1974

क्र० आ० 3232.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में खड्डू० एच० आई० कादी-1 से जी०जी० एस० तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तब तथा प्राकृतिक गैस आयोग द्वारा बिकारि जागी जायित्वा।

और यह प्रतीत होता है कि ऐसी लाइना का विधान के प्रयोजन के लिए एक्ट द्वारा एक्टपाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तिया का प्रयोग करने हुए, केन्द्रीय सरकार ने उससे उपयोग का अधिकार अर्जित करने का अपना आशय एक्ट द्वारा घोषित किया है।

अतः कि उक्त भूमि में हितग्रह कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन विधान के लिए आक्षेप मक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, नियम और दख्खान प्रभाग, मकरपुरा रोड, बरादा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निर्निश्चित यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई अधिनियम या किसी त्रिभिध्यवसायी की मार्फत।

अनुसूची

इन्फ्यू०एच० आई० कादी-1 से जी० जी० एस० तक पाइपलाइन विधान के लिए -

राज्य	मुजरात	तामुका	कादी	जिला	कादी	मेहसाणा
गांव	सर्वेक्षण संख्या	हेक्टर	ए०आर० पी० ए०	ई०	ई०	आर० ई०
कादी	1955	0	14	45		
	वी०पी०राइ	0	02	55		
	1851	0	06	29		
	1853	0	17	31		

[संख्या 12016/10/74-एल एच एन / 1]

New Delhi, the 19th November, 1974

S.O. 3232.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from WHI Kadi-4 to OGS in Gujarat State Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from W.H.I. Kadi-4 to G.G.S.

State: Gujarat Taluka : Kadi District :
Mehsana

Village	Survey No.	Hec- tare.	Ac. Are.	P. Are.
KADI	1855	0	14	45
	V.P. Road	0	02	55
	1854	0	06	29
	1853	0	17	34

[No. 12016/10/74-L&L/I]

का० प्रा० 3233.—यतः केन्द्रीय सरकार को यह प्रतीत होता है लोक हित में यह आवश्यक है कि गुजरात राज्य में कादी-12 में जी० एम० तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगतः हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कादी-12 से जी० जी० एस० तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात तालुका : कादी जिला : महसना

ग्राम	सर्वेक्षण संख्या	हेक्टर	ए० आर० पी० ए० ई० आर० ई०	
1	2	3	4	5
कादी	1853	0	04	65
	1849	0	08	70

[संख्या 12016/10/74-एल एंड एल/2]

S.O. 3233.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kadi 12 to GGS in Gujarat

State Pipelines should be laid by the Oil & Natural Gas Commission:

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from Kadi-12 to G.G.S.

State : Gujarat Taluka : Kadi District :
Mehsana

Village	Survey No.	Hec- tare.	Ac. Are.	P. Are.
Kadi	1853	0	04	65
	1849	0	08	70

[No. 12016/10/74-L&L/II]

का० प्रा० 3234.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं० 66 से सी०टी० एफ० से कूप संख्या 67 तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगतः हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कूप संख्या 66 से सी०टी०एफ० संख्या 67 तक पाइप लाइन बिछाने हेतु

राज्य : गुजरात	तालुका : मेहसाना	जिला	मेहसाना	
ग्राम	सर्वेक्षण संख्या	हेक्टर	ए० आर०	पी०
			ई	आर ई
1	2	3	4	5
मेहमादपुरा	9	0	13	80
	6	0	02	52

[संख्या 12016/10/74-एल०एण्ड एन०/3]

S.O. 3234.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. 66 to CTF to Well No. 67 in Gujarat State Pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from Well No. 66. to G. T. F. Well No. 67

State : Gujarat

Taluka : Mehsana District : Mehsana

Village	Survey No.	Hec-tare	Arc	P Arc.
Mehmadpura	9	0	13	80
	6	0	02	52

[No. 12016/10/74-L&L/III]

का० प्रा० 3235.—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डी० के० खोलका-1 तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत् यह प्रतीत होता है कि ऐसी साहना को बिछाने के प्रयोजन के लिए पन्ध्याण्ड अनुसूची में भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का आनन्द आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि में नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत : हो या किसी बिधि व्यवसायी की मार्फत।

अनुसूची

डी० एम०एम० डी० के० से खोलका-1 तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात	जिला : कंरा	तालुका : मतार		
ग्राम	सर्वेक्षण संख्या	हेक्टर	ए० आर०	पी०
			ई० आर०	ई०
1	2	3	4	5
राध	996	0	04	95
	1000	0	06	75
	999	0	09	60
	998	0	11	40
	988/पी०	0	10	50
	986/पी०	0	08	60
	985/1	0	04	56
	955/1	0	07	08
	955/2	0	00	10
	955/3	0	00	80
	955/4	0	06	50
	949	0	11	25
	888/1	0	02	40
	840/1	0	08	10
	810/2	0	01	08
	885	0	13	00
	काटे टैंक	0	00	60
	881/1	0	10	40
	884/2	0	00	35
	883/5	0	10	10
	883/7	0	08	20
	856/6	0	02	00
	856/7	0	09	60
	848/1	0	03	50
	855/2	0	01	00
	855/1	0	06	70
	851/1	0	12	90
	831/4	0	06	60

[संख्या 12016/10/74-एल०एण्ड एन०/4]

S.O. 3235.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from D.K. to Dholka 1 in Gujarat State Pipelines should be laid by the Oil & Natural Gas Commission:

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from D.S. No. DK to Dholka-1.

State : Gujarat District : Kaira Taluka : Matar

Village	Survey No.	Hectare	Are	P Are
1	2	3	4	5
Radhu	996	0	04	95
	1000	0	06	75
	999	0	09	60
	998	0	11	40
	986/P	0	10	50
	986/P	0	08	60
	985/1	0	04	56
	955/1	0	07	08
	955/2	0	00	10
	955/3	0	00	80
	955/4	0	06	50
	949	0	11	25
	888/1	0	02	40
	840/1	0	08	40
	840/2	0	04	08
	885	0	13	00
	Cart Track	0	00	60
	884/1	0	10	40
	884/2	0	00	35
	883/5	0	10	10
	883/7	0	08	20
	856/6	0	02	00
	856/7	0	09	60
	848/1	0	03	50
	855/2	0	04	00
	855/1	0	06	70
	851/1	0	12	80
	851/4	0	06	60

[No. 12016/10/74-1 & L.V.]

क्र० आ० 3236.—यत्. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में क्र० 134 में ए००० एम०-आठ तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तैय नया प्राकृतिक गैस आयोग द्वारा विचार्य जानी चाहिए ।

और यत्. यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त गतियों का प्रयोग करने हेतु, केन्द्रीय सरकार न उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बतते कि उक्त भूमि में स्तिवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मध्यम प्राधिकारी, तैय तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरोडा-9 को इस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

डी०एस०न० के 134 में जी० जी० एम० एम० तक पाइप लाइन बिछाने हेतु

राज्य: गुजरात	तालुका: कलोल	ग्राम	सर्वेक्षण संख्या	हेक्टर	ए.आर.	पी.आर.
					ई	ई
1	2	3	4	5		
कलोल	673/1	0	11	72		
	669/2	0	06	00		

[तक्या 12016/10/74-एल एण्ड एल/ 5]

S.O. 3236.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K-134 to GOS-8 in Gujarat State Pipelines should be laid by the Oil & Natural Gas Commission:

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from D.S. No. K-134 to G.G.S. 8

State : Gujarat	Taluka : Kalol	District : Mehsana		
Village	Survey No.	Hec-tare	Are	P. Are
KALOL	673/1	0	11	72
	669/2	0	06	00

[No. 12016/10/74-L&I /V]

क्र० 3237—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में (डी एम एन के-54 से जी जी एम/सी डी एक कादी) तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख्य एतद्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मध्यम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बरीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डी० एम० एन० के-54 से जी० जी० एम०/सी० एक कादी तक
पाइपलाइन बिछाने हेतु

राज्य : गुजरात	तालुका : कादी	जिला : मेहसाणा		
ग्राम	सर्वेक्षण संख्या	हेक्टर	ए.आर.	पी
			ई	आर ई
गलासन	82/1	0	09	12
	81/2	0	09	24
	81/1	0	09	96
	81 से 91 तक			
	कैलासाजी का			
	रास्ता			
		0	01	00
	91/2	0	02	25
	93	0	27	60

[संख्या 12016/10/74-मल० एण्ड एल०/6]

S.O. 3237.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from DS NK-54 to GGS/CTF Kadi in GUJARAT STATE Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from D.S. NK-54 to GGS/CTF K ADI.

State : Gujarat	Taluka : Kadi	District : Mehsana		
Village	Survey No.	Hec- tare	Are	P. Are
CHALASAN	82/1	0	09	12
	81/2	0	09	24
	81/1	0	09	96
	Cart Track between 81 & 91	0	01	00
	91/2	0	02	25
	93	0	27	60

[No. 1216/10/74-LandI./V]

क्र० 3238.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में (के-17,110 और 163 से सी डी एक तक) पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख्य एतद्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मध्यम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चित यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कूट संख्या के 17, 110, 163 से सी टी एफ तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात	जिला : काल	तालुका : काल			
गांव	सर्वेक्षण संख्या	हेक्टर	ए.आर.	पी	आर ई
मेड	959	0	23	63	
	963	0	61	28	
	960	0	02	02	
	969	0	03	08	
	970	0	14	79	

[संख्या 12016/10/74-एल० एण्ड एल०/7]

S.O. 3238.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from K.17, 110 and 163 to C.T.F. in Gujarat State Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from Well Nos. K-17, 110, 163 to C. T. F.

State : Gujarat	District : Kalol	Taluka : Kalol			
Village	Survey No.	Hectare	Are	P.	Are
SAIJ .	959	0	23	63	
	963	0	64	28	
	960	0	02	02	
	969	0	03	08	
	970	0	14	79	

[No. 12016/10/74-L & L/VII]

का० आ० 3239—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में (एन के-61 से जी जी एम/सी टी एफ कादी) तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एन०पाव० अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अनः, अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एन० द्वारा घोषित किया है।

बतर्त कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बरोडा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

सी एम एन के-61 से जी जी एम/सीटी एफ कादी तक पाइपलाइन बिछाने हेतु

राज्य : गुजरात	तालुका : कादी	जिला : मेहसाणा			
गांव	सर्वेक्षण संख्या	हेक्टर	ए.आर.	पी	आर ई
धलमन	91/1-ए	0	95	64	
	91/1-बी	0	03	60	
	92	0	03	60	
	93	0	06	48	

[संख्या 12016/10/74-एल० एण्ड एल०/8]

पी० पी० गुप्ता, उप सचिव

S.O. 3239.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from NK-61 to GGS/CTF Kadi in Gujarat Pipelines should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Baroda-9.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

For Laying Pipeline from D.S. NK-61 to GGS/CTF Kadi

Slate : Gujarat	Taluka : Kadi	District : Mehsana		
Village	Survey No	Hec- tare.	Are.	P. Arc.
CHALASAN	91/1-A	0	05	64
	91/1-B	0	03	60
	92	0	03	60
	93	0	06	48

[No. 12016/10/74-L&I./VIII]

P. P. GUPTA, Dy. Secy.

कृषि और सिंचाई मंत्रालय

(कृषि विभाग)

नई दिल्ली, 27 नवम्बर, 1974

क्र० प्र० 3240.—पशु-वृत्त निवारण अधिनियम, 1960 की धारा 5 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार निम्नलिखित व्यक्तियों को उनके नामों के सामने लिखी तिथियों से तीन वर्ष की अवधि के लिये पशु कल्याण बोर्ड के सदस्य नामजद करती है—

सदस्य	तिथि	श्रेणी
1 श्री बी० आर० कृष्णा अय्यर	23-11-74	धारा 5(1) एच। केन्द्रीय
2 श्री जी० आर० राजगोपाल	19-3-74	धारा 5(1) (एच) सरकार के नामजद सदस्य
3 श्री जयंती लाल नारदमाय मस्कर	19-3-74	धारा 5(1) (एफ)—बम्बई इयूमेनीटेरियन सींग, बम्बई के प्रतिनिधि।
4 श्री बी० एन० भट्टाचार्य	19-11-74	धारा 5(1) (डी)—प्राधुनिक शोध के व्यय-मायी।
5 श्री हंस आर० भुग्रा	19-11-74	धारा 5(1) (ई)—बम्बई नगर निगम के प्रतिनिधि

[संख्या 14-27/73-गल०डी 1]

आई० जे० नाथ,

अपर सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Agriculture)

New Delhi, the 27th November, 1974

S.O. 3240.—Under provisions of sub-section (1) of Section 5 of the Prevention of Cruelty to Animals Act, 1960, the Central Government hereby nominate the following persons to be members of the Animal Welfare Board for a period of three years from the dates mentioned against the members—

106 GI/74—9

Members	Date	Category
1. Shri V. R. Krishna Iyer	23-11-1974	Sec. 5(1)(h) Nominee of the Central Government
2. Shri G. R. Rajagopal	19-3-1974	Sec. 5(1)(h) Nominee of the Central Government
3. Shri Jayantilal Naradlal Mankar	19-3-1974	Sec. 5(1) (f)—Representative of Bombay Humanitarian League, Bombay.
4. Dr. B.N. Bhattacharjee	19-11-1974	Sec. 5(1) (d)—Practitioner of Modern Medicine.
5. Shri Hans R. Bhugra	19-11-1974	Sec. 5(1) (e)—Representative of Bombay Municipal Corporation.

[No. 14-27/73-L.D I]

I. J. NAIDU, Addl Secy

(कृषि अनुसंधान और शिक्षा विभाग)

नई दिल्ली, 28 नवम्बर, 1974

क्र० प्र० 3241.—सार्वजनिक परिसरों के अधिनियम 1971 (1971 का 40वां) धारा 3 द्वारा (प्रतिष्ठित अधिभोजना की बेव-खली) दी गयी शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस अधि-सूचना द्वारा मन्त्र (1) में निर्दिष्ट अधिकारियों को भारत सरकार के राजपत्रित अधिकारी होने के कारण उक्त अधिनियम के लिए राज्य सम्पत्ति अधिकारी (एस्टेट आफिसर) नियुक्त करती है जो उक्त सारणी के स्तम्भ 2 में बताये गये सार्वजनिक परिसर के मामलों में क्षेत्राधिकार की सीमाओं के भीतर अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे और उक्त अधिनियम के अधीन प्रथमा द्वारा राज्यसम्पत्ति अधिकारियों के कर्तव्यों का पालन करेंगे।

सारणी

अधिकारियों का पदनाम	सार्वजनिक परिसरों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
1	2
कृषि अनुसंधान और शिक्षा विभाग	भारतीय कृषि अनुसंधान परिषद्
कृषि मंत्रालय, नई दिल्ली में	और इसके संस्थानों स्टेशनों,
भारत सरकार के अपर सचिव	अनुसंधानशालाओं और केन्द्रों के प्रशासनिक नियंत्रण के अधीन परिसर

[सं० 20-1/72 कृषि संस्थान 1]

एस० सी० वत्ता, उप सचिव

(Department of Agricultural Research and Education)

New Delhi, the 28th November, 1974

S.O. 3241.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column 1 of the Table below, being gazetted officers of Government, to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on Estate Officers by or under the said Act, within the limits of the jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said Table.

Table

Designation of Officers	Categories of public premises and local limits of jurisdiction
1	2
Under Secretaries to the Government of India in the Department of Agricultural Research and Education, Ministry of Agriculture, New Delhi.	Premises under the administrative control of the Indian Council of Agricultural Research and its Institutes, Stations, Laboratories and Centres.

[F. No. 20-1/72-Agri. Instt. I]

S. C. DUTTA, Dy. Secy

(खाद्य विभाग)

नई दिल्ली, 20 नवम्बर, 1974

का० आ० 3242:—केन्द्रीय भाण्डागारण निगम, केन्द्रीय सरकार की पूर्वतन मजूरी लेकर, भाण्डागारण निगम अधिनियम, 1962 (1962 का 58) की धारा 42 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय भाण्डागारण निगम (कर्मचारिवृन्द) विनियम, 1966 में और संशोधन करने के लिये निम्नलिखित विनियम बनाता है अर्थात्—

1. (1) इन विनियमों का नाम केन्द्रीय भाण्डागारण निगम, (कर्मचारिवृन्द) संशोधन विनियम, 1974 है।

(2) ये विनियम, मिलाये विनियम 8 के जो पृथकी जनवरी, 1974 को प्रवृत्त हुआ समझा जायेगा, तुरन्त प्रवृत्त होंगे।

2. केन्द्रीय भाण्डागारण निगम (कर्मचारिवृन्द) विनियम, 1966 (जिसे इसमें इसके पश्चात् उक्त विनियम कहा गया है) के विनियम 2 में,—

(i) खंड (घ) के स्थान पर निम्नलिखित खंड रखा जायेगा, अर्थात्—

“(घ) ‘सचिव’ से अभिप्रेत है, निगम का सचिव,”

(ii) खंड, (1) के पश्चात्, निम्नलिखित खंड अस्तित्थापित किये जायेंगे, अर्थात्—

“(इ) क्षेत्रीय निदेशक’ से अभिप्रेत है, निगम के क्षेत्रीय कार्यालय का भारमाधक अधिकारी,

(ख) ‘नियमित कर्मचारी’ से ऐसा कर्मचारी अभिप्रेत है जिसके बारे में यह घोषित कर दिया गया है कि उस नियुक्ति प्राधिकारी के समाधान प्रद रूप में परीक्षा की अवधि पूरी कर ली है और वह ऐसा पद धारित कर रहा है जो बोर्ड द्वारा नियमित पद के रूप में घोषित किया गया है ;

(ण) ‘अनुसूची’ से अभिप्रेत है, इन विनियमों की अनुसूची”।

3. उक्त विनियमों में, विनियम 4 के स्थान पर, निम्नलिखित विनियम रखा जायेगा, अर्थात्—

“4. कर्मचारिवृन्द की सूची—

निदेशक बोर्ड, अपने कृत्यों को सम्पन्न करने के लिये आवेक्षित विभिन्न प्रवर्गों के अधीन नियमित और अस्थायी, दोनों, कर्मचारी वृन्द की सूची का अवधारण समय समय पर करेगा :

परन्तु यह कि प्रबन्ध निदेशक, कार्यकारिणी, समिति के अनुमोदन के अधीन रहते हुये, किसी वर्ग में, एक वर्ष में अधिक की अवधि के लिये, किसी ऐसे पद का सृजन कर सकेगा जिसका अधिकतम वेतन 1300 रु० प्रति मास से अधिक हो।”

4 उक्त विनियमों में, विनियम 5 के स्थान पर निम्नलिखित विनियम रखा जायेगा, अर्थात्—

“5. नियुक्ति प्राधिकारी—

(1) प्रबन्ध निदेशक के पद से भिन्न 1600 रु० प्रतिमास से ऊपर के अधिकतम वेतनमान वाले वर्ग 1 में के पदों पर नियुक्तियां, निदेशक बोर्ड द्वारा या कार्यकारिणी समिति द्वारा की जाएगी।

(2) 1600 रु० प्रतिमास तक के अधिकतम वेतनमान वाले वर्ग I और II में के पदों पर नियुक्तियां, प्रबन्ध निदेशक द्वारा की जाएगी।

(3) वर्ग III और वर्ग IV में के पदों पर नियुक्तियां, अनुसूची में विनिर्दिष्ट अधिकारियों द्वारा की जाएगी।

(4) नियुक्ति प्राधिकारी के विचार के लिये, सब्ज पदों के लिए नामों का पेंडल तैयार करने के लिए नियुक्ति प्राधिकारी एक उप समिति नियुक्त करेगा।”

5. उक्त विनियमों में, विनियम 7 के स्थान पर, निम्नलिखित विनियम रखा जायेगा, अर्थात्—

“7. परीक्षा—

(1) प्रत्येक कर्मचारी, किसी पद पर नियुक्त होने पर, नियुक्ति की तारीख में प्रारम्भ होने वाले एक वर्ष की अवधि के लिये उस पद पर परीक्षा पर होगा :

परन्तु यह कि ऐसी अवधि नियुक्ति प्राधिकारी के विवेकानुसार कुछ एक वर्ष से अधिक की अवधि के लिये और बढ़ाई जा सकेगी :

परन्तु यह और कि कर्मचारी द्वारा किसी पद में परीक्षा पर रखे जाने के ठीक पूर्व की गई कोई निरन्तर सेवा, परीक्षा अवधि में गिनी जा सकेगी।

2. इस विनियम की कोई भी बात प्रबन्ध निदेशक के पदों या केन्द्रीय सरकार अथवा किसी राज्य सरकार या किसी संस्था से प्रतिनियुक्ति पर नियोजित व्यक्तियों को लागू नहीं होगी।”

6 उक्त विनियमों में, विनियम 9 के स्थान पर, निम्नलिखित विनियम रखा जायेगा, अर्थात्—

“9. कर्मचारी द्वारा सेवा की समाप्ति की सूचना—

(1) प्रबन्ध निदेशक या केन्द्रीय सरकार अथवा किसी राज्य सरकार या संस्था से प्रतिनियुक्त व्यक्ति को छोड़कर कोई भी कर्मचारी न तो निगम की सेवा छोड़ेगा और न निगम की सेवा बंद करेगा सिवाय जबकि उसने नियमित कर्मचारी होने की इच्छा में ऐसा करने के अपने आशय की तीन मास की और अस्थायी कर्मचारी होने की दशा में एक मास की लिखित ऐसी सूचना नियुक्ति प्राधिकारी को दे दी हो।

(2) यदि कोई कर्मचारी उप-विनियम (1) के उपबन्ध के उल्लंघन में निगम की सेवा छोड़ता है या बन्द करता है तो कर्मचारी उतनी अवधि के लिये, जितने से दो गई सूचना की विनिर्दिष्ट

अवधि से कम है, निगम की प्रतिकर के रूप में ऐसी एकम संघाय करने का दावा होगा जो ऐसी अवधि के लिये ऐसी दर पर उसे देय हो जिन पर उसे सेवा छोड़ने या बन्द करने की तारीख से ठीक पूर्व वेतन संदत्त किया गया था।

परन्तु यह कि नियुक्ति प्राधिकारी कारणों को लेखबद्ध करने हुए, ऐसे प्रतिकर के संदाय की अरशा का, पूर्णतः या अंशतः, अधिव्यजन कर सकेगा।

7. उक्त विनियमों में, विनियम 10 के स्थान पर, निम्नलिखित विनियम रखा जायेगा, अर्थात् :—

“10. निगम द्वारा सेवा की समाप्ति :—

- (1) निगम, किसी समय और बिना कोई कारण बताए, एक मास की सूचना या उसके बदले एक मास का वेतन देने के पश्चात् किसी अस्थायी कर्मचारी की सेवाएं समाप्त कर सकेगा।
- (2) निगम, तीन मास की सूचना या उसके बदले तीन मास का वेतन देने के पश्चात् किसी नियमित कर्मचारी की सेवाएं समाप्त कर सकेगा।
- (3) निगम, उपनियम (1) और (2) में विनिर्दिष्ट अवधि से कम अवधि के लिये सूचना देकर प्रबंध निदेशक से भिन्न किसी कर्मचारी की सेवाएं समाप्त कर सकेगा।

परन्तु यह कि निगम ऐसे कर्मचारी को, जिसकी सेवाएं इस प्रकार समाप्त कर दी गई हों, उतनी अवधि के लिये जितनी वास्तव में दी गई सूचना, विनिर्दिष्ट अवधि से कम पड़ती है, वेतन देगा।

- (4) उपनियम (1) या उपनियम (2) के अधीन कर्मचारियों की सेवाएं समाप्त करने की शक्ति उनके नियुक्ति प्राधिकारियों द्वारा प्रयुक्त की जाएगी।
- (5) इस विनियम में अंतर्निहित कोई भी बात, अध्याय 5 के उपबन्धों के अनुसार सूचना या सूचना के बदले वेतन दिये बिना किसी कर्मचारी की सेवा निवृत्त करने, हटाने या पदच्युत करने के नियुक्ति प्राधिकारी के अधिकार पर कोई प्रभाव नहीं डालेगा।”

8. उक्त विनियमों में, विनियम 14 के पश्चात् निम्नलिखित विनियम अंतःस्थापित किया जायेगा, अर्थात् :—

“14क. वेतन-वृद्धि :—

- (1) उम पत्र के, जिसमें कोई व्यक्ति नियुक्त है, समय-मान में वेतन-वृद्धि सिवाय अज्ञात इन विनियमों के अधीन अधिरोधित शक्ति के परिणाम स्वरूप वेतन वृद्धियां रोक दी गई हैं, स्वाभाविक कम में सी जायेगी।
- (2) सभी वेतन-वृद्धियां, ऐसे कर्मचारियों की दशा में जिसकी वेतन-वृद्धि की वास्तविक तारीखें 1 जनवरी और 30 जून के बीच पड़ती हैं, प्रति वर्ष की जनवरी के प्रथम दिन को देय होंगी और ऐसे कर्मचारियों की दशा में जिनकी वेतन-वृद्धि की वास्तविक तारीखें 1 जुलाई और 31 दिसम्बर के बीच पड़ती हैं, प्रतिवर्ष की जुलाई के प्रथम दिन को देय होंगी।

स्पष्टीकरण :—

समतुल्य या उच्चतर पदों में निगम में की सभी सेवायें वेतन-वृद्धि के लिये गिनी जायेगी।

9. उक्त विनियमों में, विनियम 21 में, “मुख्य कार्यपालक प्राधिकारी और सचिव” शब्दों के स्थान पर “सचिव” शब्द रखा जाएगा।

10. उक्त विनियमों में, विनियम 29 में उपविनियम (4) के स्थान पर, निम्नलिखित उपविनियम रखा जाएगा, अर्थात् :—

“(1) कर्मचारी द्वारा अपील-प्राधिकारी को सीधे अपील नहीं की जायेगी किन्तु उचित माध्यम द्वारा अनुशासनिक प्राधिकारी को की जा सकेगी जो अपनी टिप्पणियों सहित और सुसंगत अभिलेख सहित इसे अपील-प्राधिकारी को अग्रप्रेषित करेगा। परन्तु यह कि अपील की एक प्रति अपील-प्राधिकारी को सीधे दी जा सकेगी।”

11. उक्त विनियमों में, विनियम 30 के उपविनियम (1) में, ‘प्रबंध निदेश’ शब्दों के स्थान पर, ‘अनुशासनिक प्राधिकारी’ शब्द रखे जायेंगे।

12. उक्त विनियमों में, विनियम 31 में, ‘प्रबंध निदेशक’ शब्दों के स्थान पर, ‘अनुशासनिक प्राधिकारी’ शब्द रखे जायेंगे।

13. उक्त विनियमों में, विनियम 37 के स्थान पर निम्नलिखित विनियम रखा जायेगा, अर्थात् :—

“37. छुट्टी अनुवृत्त करने के लिये प्राधिकारी :—

निवेशक बोर्ड, विभिन्न वर्गों के कर्मचारियों के लिये विभिन्न प्रकार की छुट्टी अनुवृत्त करने के लिये, समय-समय पर सक्षम प्राधिकारी विनिर्दिष्ट कर सकेगा।”

14. उक्त विनियमों में, विनियम 43 का शेष किया जाएगा और विनियम 44 से 49 को क्रमशः उसके विनियम 43 से 48 के रूप में पुनः संख्यांकित किया जाएगा।

15. उक्त विनियमों में, इस प्रकार पुनः संख्यांकित विनियम 48 के पश्चात् और परिशिष्ट 1 के पूर्व, निम्नलिखित अनुसूची अन्तःस्थापित की जायेगी, अर्थात् :—

“अनुसूची

[विनियम 5 (3)]

पद	नियुक्ति प्राधिकारी
मुख्यालय में वर्ग III और IV साथ ही ऐसे वर्ग III पद जिन पर अखिल भारतीय आधार पर भर्ती की जाती है।	कार्मिक प्रबन्धक
ऐसे वर्ग III पदों से भिन्न जिन पर अखिल भारतीय आधार पर भर्ती की जाती है, क्षेत्रों में वर्ग III और IV।”	क्षेत्रीय निदेशक।”

16. उक्त विनियमों में, परिशिष्ट-1 में, ‘मुख्य कार्यपालक अधिकारी और सचिव’ शब्दों के स्थान पर जहाँ कहीं वे आते हैं, ‘सचिव’ शब्द रखा जायेगा।

स्वच्छीकरणसमक ज्ञापन :—

सरकार ने जेतनवृद्धियों की तारीखों के विनियमन के बारे में केन्द्रीय भाषागारण नियम के कर्मचारियों को दिये गए बचन को पूरा करने के लिये विनियम 14क के उपबन्धों को 1 जनवरी 1974 से प्रभावी बनाने का विनिश्चय किया है। तदनुसार विनियम 14 क को 1 जनवरी 1974 से भूतलक्षी प्रभाव दिया जा रहा है। प्रस्थापित भूतलक्षी प्रभाव से किसी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० 26/20/70-एस० जो०]

ए० के० गर्व, अवर सचिव

(Department of Food)

New Delhi, the 20th November, 1974

S.O. 3242.—In exercise of the powers conferred by section 42 of the Warehousing Corporations Act, 1962 (58 of 1962), the Central Warehousing Corporation, with the previous sanction of the Central Government, hereby makes the following regulations further to amend the Central Warehousing Corporation (Staff) Regulations, 1966, namely:—

1. (1) These regulations may be called the Central Warehousing Corporation (Staff) Amendment Regulations, 1974.

(2) They shall come into force with immediate effect except regulation 8 which shall be deemed to have come into force on the 1st Day of January, 1974.

2. In the Central Warehousing Corporation (Staff) Regulations, 1966 (hereinafter referred to as the said regulations), in regulation 2,—

(i) for clause (d), the following clause shall be substituted, namely:—

“(d) “Secretary” means the Secretary of the Corporation;”.

(ii) after clause (1), the following clauses shall be inserted, namely:—

“(m) “Regional Director” means the Officer-in-Charge of the Regional Office of the Corporation;

(n) “regular employee” means an employee who has been declared to have completed the period of probation to the satisfaction of the appointing authority and is holding a post which has been declared as a regular post by the Board;

(o) “Schedule” means Schedule to these regulations”.

3. In the said regulations, for regulation 4, the following regulation shall be substituted, namely:—

“4. Strength of staff.—The Board of Directors shall from time to time determine the strength of staff, both regular and temporary under the various categories required for carrying out its functions:

Provided that the Managing Director may, subject to the approval of the Executive Committee, create any post in any class, the maximum pay of which does not exceed Rs. 1300 per mensem, for a period not exceeding one year.”

4. In the said regulations, for regulation 5, the following regulation shall be substituted, namely:—

“5. Appointing Authority.—(1) Appointments to posts in Class I having a maximum of pay scale of above Rs. 1600 per month, other than that of the Managing Director, shall be made by the Board of Directors or by the Executive Committee.

(2) Appointments to posts in Class I and II having a maximum of pay scale up to Rs. 1600 per month shall be made by the Managing Director.

(3) Appointments to posts in Class III and Class IV, shall be made by the officers specified in the Schedule.

(4) The appointing authority shall appoint a sub-committee for drawing up a panel of names for the posts concerned for the consideration of the appointing authority.”

5. In the said regulations, for regulation 7, the following regulation shall be substituted, namely:—

“7. Probation.—(1) Every employee shall, on appointment to any post, be on probation in that post for a period of one year commencing from the date of appointment:

Provided that such period may be further extended for a period not exceeding one year in all at the discretion of the appointing authority:

Provided further that any continuous service rendered by an employee immediately before being placed on probation in a post may be counted towards the probationary period.

(2) Nothing in this regulation shall apply to the posts of Managing Director or persons employed on deputation from the Central Government or any State Government or an Institution.”

6. In the said regulations, for regulation 9, the following regulation shall be substituted, namely:—

“9. Notice of termination of service by an employee.—(1) No employee, other than the Managing Director or a person on deputation from the Central Government or any State Government or an Institution, shall leave or discontinue his service in the Corporation except, in case of a regular employee, after giving three months' notice, and, in case of a temporary employee, after giving one month's notice, in writing of his intention to do so to the appointing authority.

(2) If an employee leaves or discontinues his service in the Corporation in contravention of the provision of sub-regulation (1), the employee shall be liable to pay as compensation to the Corporation a sum equal to his pay for the period by which the notice given falls short of the specified period of notice, at the rate at which it was paid immediately before the date of his leaving the service or discontinuance therefrom:—

Provided that the appointing authority may, for reasons to be recorded in writing, waive, either wholly or in part, the requirement as to the payment of such compensation.”

7. In the said regulations, for regulation 10, the following regulation shall be substituted, namely:—

“10. Termination of service by the Corporation.—(1) The Corporation may, at any time and without assigning any reasons, terminate the services of any temporary employee after giving one month's notice or one month's pay in lieu thereof.

(2) The Corporation may terminate the services, of any regular employee after giving three months' notice or three months' pay in lieu thereof.

(3) The Corporation may terminate the services of an employee other than the Managing Director by giving notice for a period less than that specified in sub-regulations (1) and (2):

Provided that the Corporation shall give to an employee whose services are so terminated, pay for

the period by which the notice actually given falls short of the specified period.

- (4) The power to terminate the services of employees under sub-regulation (1) or sub-regulation (2) shall be exercised by the respective appointing authorities.
- (5) Nothing contained in this regulation shall affect the right of the appointing authority to retire, remove or dismiss an employee without giving notice or pay in lieu of notice in accordance with the provisions of Chapter V."
8. In the said regulations, after regulation 14, the following regulation shall be inserted, namely:—

"14A. Increment—(1) Increments in the time scale of a post to which a person is appointed shall be drawn as a matter of course except where such increments have been withheld as a result of penalty imposed under these regulations.

(2) All increments shall fall due on the 1st day of January of every year in case of those employees whose actual increment dates fall between 1st January and 30th June, and all increments shall fall due on the 1st day of July of every year in case of those employees whose actual increment dates fall due between 1st July and 31st December.

Explanation—All services in the Corporation in equivalent or higher posts count for increments."

9. In the said regulations, in regulation 21, for the words "Chief Executive Officer and Secretary", the word "Secretary" shall be substituted.

10. In the said regulations, in regulation 29, for sub-regulation (4), the following sub-regulation shall be substituted, namely:—

"(4) An appeal shall not be submitted by an employee direct to the appellate authority but may be submitted through proper channel to the disciplinary authority who shall forward it to the appellate authority with his comments and with the relevant records:

Provided that a copy of the appeal may be submitted direct to the appellate authority."

11. In the said regulations, in sub-regulation (1) of regulation 30, for the words 'Managing Director', the words 'disciplinary authority' shall be substituted.

12. In the said regulations, in regulation 31, for the words 'Managing Director', the words 'disciplinary authority' shall be substituted.

13. In the said regulations, for regulation 37, the following regulation shall be substituted, namely:—

"37 Authority to grant leave.—The Board of Directors may, from time to time specify the competent authority for grant of various kinds of leave for various classes of employees."

14. In the said regulations, regulation 43 shall be omitted and regulations 44 to 49 shall respectively be renumbered as regulations 43 to 48 thereof.

15. In the said regulations, after regulation 48 as so renumbered and before the Appendix I, the following Schedule shall be inserted, namely:—

"SCHEDULE"

Post	[regulation 5(3)]	Appointing Authority
Class III and IV at headquarters as well as class III Posts to which recruitment is done on an all India basis.		Personnel Manager.
Class III and IV in the regions other than those class III posts recruitment to which is made on an all India basis."		Regional Directors.

16. In the said regulations, in Appendix-I, for the words 'Chief Executive Officer and Secretary' wherever they occur the word 'Secretary' shall be substituted.

EXPLANATORY MEMORANDUM

The Government have decided to give effect to the provisions contained in regulation 14A from 1st January, 1974 in fulfilment of the understanding given to the employees of the Central Warehousing Corporation about regulation of dates of increments. Accordingly, regulation 14A is being given retrospective effect from 1st January, 1974. The proposed retrospective effect will not affect adversely anybody's interest.

[No. 26/20/70-SG]

A. K. GARDE, Under Secy.

निर्माण और आवास मंत्रालय

(निर्माण विभाग)

नई दिल्ली, 21 नवम्बर, 1974

का० प्रा० 3243.—राजघाट समाधि अधिनियम, 1951 (1951 का 41) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राजघाट समाधि नियम, 1952 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का नाम राजघाट समाधि (संशोधन) नियम 1974 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. राजघाट समाधि नियम, 1952 में नियम 4 में, उपनियम (1) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:—

(1) "समाधि के लेखाओं की संपरीक्षा प्रतिवर्ष भारत के नियंत्रक और महालेखापरीक्षक द्वारा की जाएगी।"

[स० 25014/2/72-डब्ल्यू 3]

आर० एल० अहलूवालिया, उप-सचिव

MINISTRY OF WORKS AND HOUSING

(Works Division)

New Delhi, the 21st November, 1974

S.O. 3243.—In exercise of the powers conferred by section 6 of the Rajghat Samadhi Act, 1951 (41 of 1951), the Central Government hereby makes the following rules further to amend the Rajghat Samadhi Rules, 1952, namely:—

1. (1) These rules may be called the Rajghat Samadhi (Amendment) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Rajghat Samadhi rules, 1952, in rule 4, for sub-rule (1), the following sub-rule shall be substituted namely:—

"(1) The accounts of the Samadhi shall be audited every year by the Comptroller and Auditor General of India."

[No. 25014/2/72-W-III]

R. L. AHLUWALIA, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(P. and T. Board)

New Delhi, the 23rd September, 1974

S.O. 3244.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Communications (Post and Telegraphs) No. S.R.O. 620 dated the 28th February, 1957, namely:—

In the Schedule to the said notification—

- the words "Postmaster General" wherever they occur, the words "Postmaster General; General Manager Telecommunication" shall be substituted;
- the words "Director of Telegraphs" wherever they occur, the words Director of Telecommunications shall be substituted.
- the words "General Manager (Telephones)" wherever they occur, the words "General Manager (Telephones); General Manager Telecommunications" shall be substituted.

[No. 407/1/74-Disc. II]

RAVI PRAKASH, Asstt. Director General.

अम मन्त्रालय

आदेश

नई दिल्ली, 15 अक्टूबर, 1974

क्रा० प्रा० 3245.—यन केन्द्रीय सरकार की राय है कि इससे उपायध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय खाद्य निगम, मद्रास से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और, यन. केन्द्रीय सरकार उक्त विवाद को स्थायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अन, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा शक्तियाँ का प्रयोग करने हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी थिरु टी० पलानियप्पन होगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को स्थाय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

या भारतीय खाद्य निगम, मद्रास से सम्बद्ध प्रबन्धक द्वारा श्री एम० बालकृष्णन, 'ग' श्रेणी मजदूर की सेवाओं को समाप्त किया जाता न्यायोचित है? यदि नहीं, तो वह किम अनुलोप का हकदार है?

[म० एल० 42012/13/74/एल० ग्रा० 3]

MINISTRY OF LABOUR

New Delhi, the 15th October, 1974

ORDER

S.O. 3245.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in

relation to the Food Corporation of India, Madras and their workman in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru I. Palaniappan shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the termination of services of Shri M. Balakrishnan, 'C' Grade Mazdoor by the management in relation to the Food Corporation of India, Madras is justified? If not, to what relief is he entitled?

[No. L. 42012/13/74/LR III]

New Delhi, the 23rd November, 1974

S.O. 3246.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947), Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the employees in relation to managements of the Calcutta Port Commissioners, Bombay Port Trust, Madras Port Trust, Visakhapatnam Port Trust, Kandla Port Trust, Cochin Port Trust, Marmugao Port Trust, Paradip Port Trust, United Stevedores' Association, Cochin, Kandla Stevedores' Association Limited, Bombay Stevedores' Association Limited and the Chipping & Painting Employers' Association (Private) Limited Bombay, and their workmen which was received by the Central Government on the 16th November, 1974.

(Award)

BEFORE THE ARBITRATOR, SHRI T. S. SANKARAN
JOINT SECRETARY

BETWEEN

Employers in relation to the Management of the Calcutta Port Commissioners, Bombay Port Trust, Madras Port Trust, Visakhapatnam Port Trust, Kandla Port Trust, Cochin Port Trust, Marmugao Port Trust, Paradip Port Trust, United Stevedores' Association, Cochin; Kandla Stevedores' Association, Bombay Stevedores' Association Ltd. and the Chipping & Painting Employers' Association (Pvt.) Ltd., Bombay.

AND

Thier workmen represented by the

1. Calcutta Port Shramik Union, Calcutta
2. Bombay Port Trust General Workers' Union, Bombay
3. Bombay Port Trust Employees Union, Bombay
4. Bombay Port Trust Railwaymen's Union, Bombay.
5. Transport & Dock Workers' Union Bombay.
6. Madras Port Trust Employees' Union, Madras
7. Visakhapatnam Port Employees' Union, Visakhapatnam.
8. Transport and Dock Workers' Union, Kandla.
9. Cochin Thuramugha Thozhilali Union.
10. Cochin Port Workers' Union.
11. Steamer Tally Clerks' Association, Cochin.
12. Mormugao Port and Railway Workers' Union, Mormugao.

13. Paradip Port Workers' Union, Paradip Port.

PRESENT:

Shri T. S. SANKARAN

APPEARANCES :

For the Employers.—Shri N. V. Phadke and Shri P. K. Rcle. Advocates, Shri Kaka, Advocate.

For the Workmen.—Shri S. C. C. Anthony Pillai, Vice-President, and Shri Makhan Chatterjee, General Secretary, All India Port and Dock Workers' Federation.

AWARD

1. In the matter of Industrial disputes on certain matters between the Employers of the various Port Trusts, Calcutta Port Commissioners, Kandla Stevedores' Association Ltd., United Stevedores' Association, Cochin Bombay Stevedores' Association Ltd. & the Chipping & Painting Employers' Association (Pvt) Ltd., Bombay on the one hand and several Unions representing the workers under these employers, the various parties, entered into arbitration Agreements under Section 10A of the Industrial Disputes Act, 1947, referring the said matters in dispute to my arbitration under Section 10A of the Industrial Disputes Act, 1947. The specific matters in dispute are as follows:

In the context of the report of the Central Wage Board for Port and Dock Workers, the decisions of the Government thereon and other related matters, the demands raised by the All India Port and Dock Workers Federation and the further discussions held on these, the following matters in dispute relating to the Port and Dock Workers of the major Ports were referred to arbitration for decision on merits:—

(i) Whether, and if so, to what extent the rates for recovery of rent for standard houses proposed by Government, namely, 7 1/2 per cent of basic pay (and not City Compensatory Allowance), with basic pay is less than Rs. 200 per mensem, and at the rate of 10 per cent of basic pay (and not City Compensatory Allowance), if it is Rs. 200 per mensem or more, should be reduced taking into account the subsidy element in the Subsidised Industrial Housing Scheme and other relevant factors.

(ii) Whether in the matter of fixation of pay in the revised scales accepted by the Government on the basis of the Central Wage Board Report for Port and Dock Workers at Major Ports, the interim Relief of Rs. 11.80 per mensem or part thereof granted by Government as recommended by the Wage Board should be taken into account.

(iii) Whether Dearness Allowance (including additional Dearness Allowance and increases in Dearness Allowance from time to time) in part or full should be treated as pay for the purpose of House Rent allowance and City Compensatory allowance.

2. Details of the parties to the various arbitration agreements, dates of such agreements and the dates of issue of notification by the Central Government are as under:

Name of port	Name of parties who signed the agreement	Date of Agreement	Date of Notification
1	2	3	4
1. Madras	Chairman, Madras port Trust, Madras AND Madras Port Trust Employees' Union, Madras, through its President.	24-5-74	18-6-74
2. Mormugao	Chairman, Meormugao Port Trust, Mormugao AND Mormugao Port & Railay Workers' Union, through its President	14-6-74	29-6-74
3. Visakhapatnam	Chairman, Visakhapatnam Port Trust AND	Nil.	29-6-74

1	2	3	4
	Visakhapatnam port Employees' Union, through its President		
4. Cochin	(a) United Stevedores' Association of Cochin (p) Ltd. Cochin AND 1. Cochin Thurmugha Thozhilali Union, Cochin. 2. Steamer Tally Clerks Association, Cochin (b) Chairman, Cochin Port Trust, Cochin. AND 1. Cochin Thurmugha Thozhilali Union. 2. Cochin Port Workers' Union.	Nil	29-6-74
5. Calcutta	Chairman, Calcutta port Commissioners. AND Calcutta port Shramik Union.	12-6-74	29-6-74
6. Bombay	(a) Bombay Port Trust, Bombay AND Transport & Dock Workers' Union, Bombay (b) Bombay port Trust, Bombay AND B.P.T. Employees' Union. (c) Bombay Port Trust, Bombay AND B.P.T. General Workers' Union (d) Bombay Port Trust, Bombay AND B.P.T. Railwaymen's Union (e) Bombay Stevedores Association Ltd., Bombay AND Transport & Dock Workers' Union, Bombay (f) Chipping & Painting Employers' Association Pvt. Ltd., Bombay AND Transport & Dock Workers' Union, Bombay.	14-6-74	1-7-74
7. Kandla	Secretary, Kandla Port Trust Kandla AND Transport & Dock Workers Union, Kandla Kandla Stevedores' Association Ltd., Kandla AND Transport & Dock Workers' Union, Kandla.	18-6-74	6-7-74
		Nil	19-9-74

1	2	3	4
8. Paradip	Chairman, Paradip Port Trust		
	AND		
	Paradip Port Workers' Union	7-6-74	20-7-74

3. The Government of India in the Ministry of Labour also published the following Notification under Sub-Section 3A of Section 10A read with Rule 8A of the Industrial Disputes (Central Rules), 1957, as detailed below, for the information of the Employers and Workmen who are not parties to the above-mentioned arbitration agreement but who are concerned with the said dispute:—

Names of the Parties	Date of Issue of Notification
1. Management of the Madras Port Trust	
AND	
their workmen as represented by the Madras Port Trust Employees Union, Madras.	18-6-74
2. Management of Bombay Stevedores' Association Ltd., Bombay	
AND	
their workmen as represented by Transport and Dock Workers' Union, Bombay	1-7-74
3. Kandla Stevedores' Association Ltd.	
AND	
Transport & Dock Workers' Union, Kandla.	19-7-74

4. It may be pointed out that these matters in dispute which have been referred to my arbitration, as indicated above, had earlier been referred to the arbitration of Shri A. T. Zambre, the then Presiding Officer on the Central Government Industrial Tribunal Labour Court No. 2 Bombay. In the subsequent arbitration agreement referred to in Para 2 above, the parties had agreed to cancel the earlier arbitration agreements. The records and statements filed by the various parties before Shri A. T. Zambre have been, with the consent of the parties, taken on record by me.

5. The parties were heard by me on the 3rd of August 1974 and 20th & 21st of September, 1974 at Bombay and on the 30th September, and 1st October, 1974 at New Delhi. No parties other than the parties to the arbitration agreement were present at the hearing. The various unions who are parties to the arbitration agreements were represented by Shri S. C. C. Anthony Pillai, Vice-President and Shri Makhan Chatterjee, General Secretary of the all India Port and Dock Workers' Federation, to whom these unions were affiliated. The chairmen of the various Port Trusts and Calcutta Port Commissioners were represented by Shri N. V. Phadke and Shri P. K. Rele, Advocates, Bombay; the Bombay Stevedores' Association Ltd. and Chipping and Painting Employers' Association (P) Ltd., Bombay by M/s Crawford Bayley & Co., Solicitors, Bombay through Mr. Kaka.

6. At the initial hearing on the 3rd of August, 1974 it was represented on behalf of the Workers that Advocates be not allowed to appear on either side. However, the Employers' representatives did not agree to this stipulation. After hearing both the parties, it was decided by me that either side would be free to be represented by Counsel if they so choose.

7. At the same hearing it was urged by the Workers' representatives that a common Award applicable to all the Ports may be passed by me. On this the Employers' representative argued that insofar as the arbitration agreements are separate, to the extent that I may come to the conclusion that the relief in respect of the various Ports should be different, the operative portions would have to be different for different Ports, even if it is decided by me for the purpose of convenience that there may be a single award in respect of all these arbitration references.

8. The parties also agreed that all the pleadings, exhibits and statements filed by the parties before Shri A. T. Zambre may be adopted for this hearing. It was also agreed between the Bombay Stevedores' Association and the Chipping and

Painting Employers' Association (P) Ltd., Bombay on the one hand and the concerned Unions in Bombay on the other that there is no claim regarding the workers under these employers as far as Issue No. (i) of the reference is concerned and as regards Issue (ii) of the reference, the claim is restricted only to the clerical and supervisory staff of the Dock Labour Boards and their administrative bodies. For the purpose of ready reference, copies of the various pleadings, statements, exhibits filed by both the parties before Shri Zambre were consolidated by the Bombay Port Trust into four volumes and it was agreed by all the parties that these four volumes may be referred to for the purpose of the hearings. Alongwith these, Shri Anthony Pillai also submitted written arguments with supporting documents in support of the claim of the workers on the three issues.

9. The parties also agreed to extend the time limit for the giving of the Award up to 30th of November in all the cases excepting in the case of Madras Port Trust where the time limit was extended up to 23rd of November, 1974.

10. I now proceed to give the arguments advanced by the parties on each one of the three issues referred for my arbitration and to indicate my decisions on each one of the three issues:—

"Item (i) :Whether, and, if so, to what extent the rates for recovery of rent for standard houses proposed by Government, namely, 7 1/2 per cent of basic pay (and not City Compensatory allowance), where basic pay is less than Rs. 200 per mensem, and at the rate of 10 per cent of basic pay (and not City Compensatory Allowance), if it is Rs. 200 per mensem or more, should be reduced taking into account the subsidy element in the Subsidised Industrial Housing Scheme and other relevant factors."

11. At the outset it was agreed by Shri S. C. C. Anthony Pillai and Shri Makhan Chatterjee representing workers that this item does not cover dock workers in any of the Dock Labour Boards but is confined only to the Port Workers occupying standard houses in all the Port Trusts and Calcutta Port Commissioners. It was pointed out that the number of quarters of the standard type provided for the Port workers in all the Ports is a very small percentage of the total number of employees and works out to 10 per cent or less; even out of these, some of the Port workers are entitled to rent-free or a concessional rate of accommodation as per recommendation of the Central Wage Board for Ports and Dock workers in the Major Ports and the orders of the Government thereon. The main argument, on behalf of the workers, was that whereas the essence of the Wage Board's recommendations was to bring a certain amount of unanimity in the rates of emoluments and benefits of employees doing similar jobs at various major Ports, this principle has been set at naught insofar as the payment of House Rent allowance and recovery of house rent are concerned as regards the Port workers. It was argued that whereas, at least, in certain Dock Labour Boards, the Dock workers are receiving house rent allowance, even while they are in occupation of quarters constructed by the Dock Labour Boards for which they pay a reduced level of rent, in the case of Port workers not only is the house rent allowance not being paid but the rates of recovery also are higher resulting in the "effective rent" being very much higher thus vitiating the principle of uniformity in the rates of emoluments and benefits. It was also argued that the rates of recovery of rent under the Subsidised Industrial Housing Scheme for tenements etc. should not be more than Rs. 20, Rs. 26 etc. per month depending on the scale of accommodation; notwithstanding this, it was pointed out, that the effective rent charged by the Port Trusts is higher. It was further argued that housing being an amenity that should be provided by the Employers particularly in those Metropolitan centres where the Port Trusts are situated and where house rents are very higher, in calculating the cost of houses provided no provision should be made for depreciation and the cost of providing the houses must be worked out only on the basis of revenue expenditure and not on capital costs. It was urged that considering that the value of both land as well as the houses constructed continues to appreciate, provision for depreciation on the capital cost would be wrong particularly in the matter of providing this necessary amenity to workers. It was further pointed out that the minimum effective rent recovered from the workers of the Steel Industry is Rs. 10 and the maximum is Rs. 77.50 even though the total emoluments of workers

in the Steel Industry are very much higher than in the case of Port workers. Similarly, in the cement industry if a worker is allotted a quarter by an Employer, his house rent allowance of Rs. 13 only is withheld, provided the quarters allotted are 'Pucca' with electricity facilities. It was further argued that the effective minimum rent which would include the loss of house rent allowance which would have been payable had the workers not been allotted quarters, has been steadily going up under the First Pay Commission report and the Second Pay Commission report and in 1969 under the Wage Board formula. It was also argued that the Wage Board at the earlier stages of its work had agreed to the payment of house rent allowance to all the workers and to charge a uniform rate of rent recovery from those workers who have been allotted quarters. In these circumstances it was urged, on behalf of the workers, that the claim of the Union be conceded and that recovery of rent be reduced to 1 per cent of the current basic pay where the current basic pay is less than Rs. 200 per month and 2 per cent if it is Rs. 200 per month or more.

12. On behalf of the Port Trusts and Calcutta Port Commissioners it was stated that this issue is confined to only about 13,000 out of the 2,00,000 workers under the various Port authorities i.e. nearly about 6 per cent of the work force. It was argued that insofar as the Port authorities do not get subsidy from the Government in the matter of providing houses to their workers, no reduction is called for. On the concept of effective rent on which Shri Anthony Pillai advanced various arguments on behalf of the workers, it was pointed out that in the agreement entered into in April 1973 by the All India Port and Dock Workers Federation on the Question of recovery of rent, it had been agreed that in all cases where Port/Dock workers are allotted standard houses, no house rent allowance would be payable. In this view, the concept of effective rent advanced by the unions to take into account the loss of house rent allowance is untenable. This is particularly so in the context of the accented position that the provision of a house by the Employer particularly in those cities where the Ports are in existence results in a considerable saving of expenditure keeping in view the prevailing very high rates of rent for comparable accommodation in these cities which would be very much more than even the effective rent as urged by the workers' representatives. It was further argued that house rent as an element of expenditure in the budget of a workman has also to be taken note of and is included as a portion of basic wage and dearness allowance where the rents are very high, a portion of this is sought to be covered by the payment of house rent allowance. But once a house is provided by the Employer, there can be no question of payment of house rent allowance. The representatives of the Port authorities further argued that with reference to the Bombay Port Trust as an example, the rent recoverable on the basis of settlement with the All India Port and Dock Workers' Federation dated the 10th April, 1973 works out to only 5.16 per cent of the gross wages and if the claim of the Union is accepted the percentage would work out to 0.96 per cent. It was also argued on behalf of the Port Authorities, with reference to the example of the Bombay Port Trust quarters, that the economic rent for the lowest type of a quarter namely Class IV would be Rs. 253 per month according to the Maharashtra Housing Board formula and the market rate of rent according to the Income-Tax Evaluation Cell formula would be Rs. 300 per month. This itself proves that there is a considerable amount of subsidisation of rent at the levels they are charged and that there is no relief that is called for under this.

13. I have very carefully considered this matter in the light of statements made and the various documents that have been produced. It is no doubt true that house rents are generally very high in Metropolitan and other cities where the Port Trusts are situated and that it is necessary to provide a certain relief to the workmen by way of house rent allowance even and above the basic wage and the dearness allowance even though these two do contain an element of expenditure towards house rent. It is not in dispute that under the orders of the Government of India on the Report of the Central Wage Board for Port and Dock Workers in major ports, the payment of house rent allowance has been envisaged. It is also not in dispute that as a result of an agreement entered into by the All India Port and Dock Workers Federation to whom are affiliated the unions who are parties

to the arbitration reference, it has been agreed that in respect of Port and Dock workers who have been allotted standard type of quarters, no house rent allowance is payable. The same agreement also provides that house rent would be charged at the rate of 7 1/2 per cent of the basic pay not including the City Compensatory allowance where the basic pay is less than Rs. 200 per month and at the rate of 10 per cent if it is Rs. 200 per month or more, and that in any case the rent would not exceed the standard rent as determined under the Fundamental Rules. In view of this, the introduction of a concept of effective rent on the part of the workmen has no basis. Therefore, the only point that is to be considered under this item is whether and if so to what extent the agreed rates for recovery of rent should be reduced taking into account the subsidy element in the Subsidised Industrial Housing Scheme and other relevant factors. As far as the other relevant factors are concerned, it has been argued by Shri Anthony Pillai that these would include the incapacity of the employees to pay anything more than a nominal rent. As far as the rents charged by the Dock Labour Board authorities are concerned, it is, no doubt true that in certain Dock Labour Boards, Dock workers who have been allotted quarters are also being paid house rent allowance but it is seen from the agreement of April 1973 that such dock workers would continue to receive house rent allowance even though it is against the general principle agreed to viz that in all such cases no house rent allowance would be payable. It is not necessary for me, particularly in view of the fact that this item relates only to the Port workers, to go into the circumstances under which certain Dock Labour Boards continue to pay house rent allowance even to those Dock workers who are in occupation of the quarters allotted to them by the Dock Labour Boards. The clause in the April 1973 agreement relating to this, referred to above by me, would also imply that this concession would only be to those dock workers who are now in receipt of this concession of House Rent Allowance in addition to the allotment of a quarter. On the point regarding the incapacity of the employees to pay anything more than nominal rent, as already pointed out earlier, in the case of Bombay Port Trust, the house rent recovery works out to 5.16 per cent of the total emoluments. The weighting pattern in the New Series of all India Consumer Price Index Numbers with the base 1960 = 100, compiled by the Labour Bureau on the basis of Family Budget Enquiry indicates that house rent accounts for 6.26 per cent of the total of 100 per cent. In this view, the house rent being charged by the Port Trusts for the standard quarters allotted by them can, in no way, be considered excessive. On the question of the subsidy element in Subsidised Industrial Housing Scheme, it is no doubt true that the Port Trust authorities do not get any subsidy for the provision of housing for their workers. But considering, as already pointed out on behalf of the Port Trusts that the economic rent in respect of such quarters is more than Rs. 250 per month for the lowest type of quarters and the rent charged is a mere fraction of this, the amount of hidden subsidy is very much more. I do not agree with the argument of the workers that in calculating economic rent, the capital cost and depreciation should not be taken into account. This is particularly so in view of the agreement of April 1973 in which it has been stated that in any case the rent would not exceed the standard rent as determined under the Fundamental Rules, and under the Fundamental Rules all these elements are taken into account for the purpose of standard rent. In these circumstances I do not consider that any reduction in the formula for the recovery of rent for standard house is called for. I decide this issue accordingly.

Issue (ii) Whether in the matter of fixation of pay in the revised scales accepted by the Government on the basis of the Central Wage Board Report for Port and Dock Workers at Major Ports, the interim relief of Rs. 11.80 per mensem or par thereof granted by Government as recommended by the Wage Board should be taken into account".

14 It was agreed between the parties that this item relates only to the Port Workers of all the Major Ports and the Calcutta Port Commissioners and to the staff of the Dock Labour Board and administrative bodies under them and would not cover the dock workers under the various Schemes of the different Dock Labour Boards. According to Shri

S. C. C. Anthony Pillai, appearing on behalf of the workmen, interim relief is treated as pay for all purposes and cannot be withdrawn for the purposes of fitment. In support of this, Shri Pillai refers to the following observation in Para 8.31 of the Wage Board Report :

"It was, therefore, unanimously decided that interim relief should be treated as pay for the purposes of provident fund, gratuity, overtime and leave salary and that in cases in which it has not been done, it should be done".

Shri Pillai further argued that based on the terms of reference of the Wage Board regarding uniformity of emoluments and the principle of 'equal pay for equal work', unless the interim relief is added to the emoluments of the Port workers and the staff of the Dock Labour Boards and the Administrative Bodies in the matter of fitment under the Wage Board formula, anomalies would result and disparities would arise. In support of this he referred to Para 7.2.115 according to which "If, in a few cases, the application of this formula too is not helpful for fixing the wages of the second group of employees in the revised pay scales, the formula may have to be suitably adjusted and the basic pay of these employees should be fixed in the revised pay scales in such a manner that the increase in their revised emoluments, worked out for the month, is at least equal to the appropriate fitment money recommended by the Board". Shri Pillai's contention was that unless this is done the full benefit of the fitment money for the various categories for the Port employees and the staff of the Dock Labour Boards and the Administrative Bodies recommended by the Wage Board would not be available to them. He further contended that there is no indication in the Report of the Wage Board that the interim relief should not be added in the case of Port workers. According to him, in the case of Port workers, particularly in Kandla and Paradip where House Rent Allowance and City Compensatory Allowance were not payable, net increase without the inclusion of the interim relief would be less than the fitment money; in the case of other Ports also the same would be the position though the difference between the fitment recommended by the Wage Board and the net increase may be less. It is in this context that Shri Pillai urges that the words "interim relief or part thereof" has been advisably used in the arbitration agreement in respect of this item. Shri Pillai further compared the emoluments of the Port workers on the one hand with the Dock workers on the other in the Port of Madras and pointed out that here is a considerable disparity in the total emoluments and, at least, a part of this disparity must be reduced and this can be done only by including the whole or part of the interim relief so that the full benefit of the fitment money recommended by the Wage Board for various categories is available to various categories of workmen. On the question as to how this argument is consistent with the determination of pay in respect of entrants to the Port after 1-1-69, Shri Pillai stated that in respect of new entrants, after the Wage Board Scheme came into operation, there can be no question of interim relief being added, as the inclusion of fitment money does not arise in such cases; it is only in respect of the existing workmen as on 1-1-1969 that the point was being urged. Shri Pillai further referred to an observation in Para 6(i) of the Note of Dissent by the Employer members in which they have stated that "we concede that the interim relief of Rs. 11.80 has to be absorbed in future."

Shri Pillai concluded by arguing that it is unlikely that a more liberal treatment to Dock workers would have been deliberately agreed to by the Wage Board in the matter of fitment and that the imbalance in the totality of emoluments having been created, it must be rectified at least, to some extent, by taking into account the whole or part of the interim relief, Rs. 11.80, in the matter of fixation of pay of Port workers and the staff of the Dock Labour Boards and their Administrative Bodies; also the differences in the minimum emoluments of Port workers between, say a Port like Bombay on the one hand and Kandla on the other, can be made good only by adding different quantum of interim relief for different Ports and for different scales. According to Shri Pillai, it cannot be intention of the Wage Board that the low paid employees should not get the minimum amount of fitment money. In this connection he also referred to a

letter from the then Minister of Shipping & Transport, Shri Raghu Ramiah in which the Minister is supposed to have stated that this demand of the workmen would have to be viewed with sympathy.

15. On behalf of the Port authorities, this demand of the workers was resisted. Referring to Para 8.31 of the Wage Board Report, to which attention had earlier been drawn by Shri Pillai. It was pointed out, on behalf of the Port authorities that this observation relates to a clarification sought by one of the members of the Wage Board, Dr. (Mrs.) Maitrayee Bose. Also they referred to the last sentence of Para 8.31 according to which "this applies only to the past, as the interim relief will be withdrawn from the date from which Board's recommendations come into force". As regards Para 7.2.115 of the Wage Board Report to which also a reference was made by Shri Anthony Pillai, it was pointed out by the representatives for the Port authorities that this paragraph should be read with the earlier two Paragraphs so that the context and the intention become clear. The intention of the Wage Board becomes, according to the Port Authorities, very clear from Para 7.1.66 according to which "as a result of our recommendation regarding minimum wage, actual increases at the minimum level in addition to the interim increase of Rs. 11.80 per month should be Rs. 26.70 per month for Bombay, Calcutta and Madras, Rs. 26.70 per month for Visakhapatnam and Cochin Rs. 22.20 per month for Mormugao and Rs. 19.20 per month for Kandla and Paradip. According to the majority view these increases cannot be considered substantial or imposing unbearable burden on the industry in view of the many advantages that are likely to accrue". Attention was also invited by the Port Authorities to Para 7.2.10, Sub-para (iii) where an option has been given and sub-para (iv) where it has been stated "The amount of Rs. 11.80 granted by the Board by way of two interim reliefs has been merged in the new Wage structure proposed by the Board. Except where specifically indicated otherwise, this amount should be withdrawn from the date the Board's recommendations come into force". The illustration at Page 168 of the Wage Board Report was also cited in support of the argument that if the interim relief is also to be added, as suggested by the workers, then the fitment would have been different in the two cases. The Illustration is as follows :—

"A and B are drawing Rs. 83 and 84 in the scale of Rs. 80-1-85-2-95 on the date of Wage Board's recommendations coming into force. They will both be fitted in at Rs. 120/- in the new scale of Rs. 110-2-50-120-3-147.".

The Port Authorities also referred to Para 7.6.8 and Para 7.6.10 of the Wage Board Report to show that in calculating the financial burden, the Wage Board had already taken into account the interim relief.

16. On behalf of the Bombay Stevedores' Association and the Chipping and Painting Employers' Association (P) Ltd., Bombay it was argued that the Arbitrator cannot go into the justification of the claim and the issue will have to be decided on the basis of viable construction of the terms of reference. They further pointed out that even the claim statement of the Transport and Dock Workers' Union, Bombay (Para 52) makes it clear that it is only a question of interpretation. The relevant sentence in Para 52 of the claim statement reads as follows :

"On investigation we found that the anomaly has arisen because of the erroneous interpretation of the wage fitment formula by the Port Trust administration and the Administrative Bodies of the Bombay Dock Labour Board who have totally ignored the element and character of interim relief in the process of determining of wages of the employees under the revised wage structure".

In addition to referring to various paragraphs from the Wage Board Report, cited on behalf of the Port Trust authorities, it was urged on behalf of the Bombay Stevedores' Association and the Chipping and Painting Employers' Association (P) Ltd., Bombay that Sub-para (ii) of 7.2.116 of the Wage Board Report dealing with the fitment

formula makes not reference to interim relief in respect of the Port Trust workers, in contract to Para 7.2.120 relating to formula for Dock workers where interim relief has been specifically mentioned. If the fitment formula for the Dock workers includes the element of interim relief, it may be for the reason that the dock workers who are for the first time coming on the time-scales of pay would have to be given this benefit. It was further argued that if the interim relief is given in full the amount in certain cases may exceed the fitment amount recommended by the Wage Board. Also adding the interim relief in full or part may also in certain cases result in some of the workers going over to a higher dearness allowance slab, thereby creating further disparities.

17. I have very carefully considered this question in the light of the arguments advanced and the relevant portions of the Wage Board report. I agree that this is an issue to be decided fully on the basis of interpretation. It may be pointed out that the Central Wage Board during the course of its work had recommended the grant of interim relief on two occasions aggregating to Rs. 11.80 in all per month. These recommendations were accepted by the Govt. and given effect to. The only point for consideration is whether the interim relief in part or in full should be taken into account in the matter of wage fixation for the workers under the various Port Authorities and also for the staff under the Dock Labour Boards and their administrative Bodies. It must be pointed out at the outset whereas even before the implementation of the Wage Board's recommendations the employees under the Port Authorities as well as the staff under the Dock Labour Boards and their Administrative Bodies were on time-scales of pay, almost all the Dock workers under the Dock Labour Board Schemes were under daily rates of wages without the benefit of any time-scales. It is for this reason that the Wage Board also in working out its proposals for fitment into the new scales of pay had to evolve two different sets of formulae for fitment. In Para 7.2.112 of the Report, the Wage Board has stated as follows :

"The Board found it difficult to prescribe a single formula for the fitment of all the categories of Port and Dock workers in the revised pay scales, because the pay structure for the employees of the Port authorities and staff of dock labour boards and their administrative bodies is different at present, from the pay structure for the rest of the employees in the docks, viz. the registered, listed and unlisted workers, employees of Food Corporation of India, ore and other bulk cargo handling workers, tea-chest handling workers, daily-rated workers and other categories of dock workers employed by private or public agencies". In Para 7.2.113, the Wage Board has stated that "the wage structure of First group of employees (of the Port authorities, etc.) is more or less the same as applicable to the Central Govt. employees and due to the application of the recommendations of the Classification and Categorisation Committee and Pay Commissions there is already a degree of standardisation so far as the wage structure of this group of employees is concerned. Their emoluments consist of basic pay, Dearness Allowance, City Compensatory Allowance and House Rent Allowance, wherever applicable. The same is not the case in the case of wage structure of the other group of dock workers (registered, listed, etc.). Since there is no standardise wage structure for them, the wage pattern of this group of employees differ from Port to Port and even within the same Port". It is for this reason that the Board had evolved two different formulae. In view of this it is clear that the demand for inclusion either in part or in full of the interim relief for the employees of the Port authorities or for the staff of the Dock Labour Boards and their administrative bodies is untenable. That the interim relief would be withdrawn from the date from which Board's recommendations come into force is clear from Para 8.31 of the Report to which a reference has already been made above. Also it is clear that the interim relief gets merged into the new pay structure excepting where it has been specifically recommended to be included for the purposes of fitment as in the case of Dock workers, when one reads Para 7.1.65 and 7.1.66 of the Wage Board Report. The Wage Board had recommended by a majority a total minimum wage of Rs. 202 for Bombay, Calcutta and Madras, Rs. 190 for Marmugao, Rs. 187 for Visakhapatnam and Cochin and Rs. 172 for Kandla and Paradeep. In all these cases, the basic pay and the dearness allowance at Consumer Price Index Number 215 (1949 =

100) are the same at Rs. 100 and Rs. 72 respectively. The Compensatory Allowance is Rs. 10/- for Bombay, Calcutta and Madras, Rs. 8 for Marmugao and Rs. 5 for Visakhapatnam and Cochin with no CA for Kandla and Paradeep. Similarly, H.R.A. is Rs. 20/- for Bombay, Calcutta, Madras, Rs. 10/- for Marmugao, Visakhapatnam and Cochin and no H.R.A. for Kandla and Paradeep. The existing emoluments at the time of the Wage Board's recommendations in the case of basic, D.A., C.A. and Interim relief were Rs. 175.30 at Bombay, Calcutta and Madras, Rs. 160.30 at Visakhapatnam and Cochin, Rs. 167.80 at Marmugao and Rs. 152.80 at Kandla and Paradeep (Para 7.1.21 of the Wage Board Report). Keeping these figures in mind and the observation of the Wage Board in Para 7.1.66 of the Wage Board, wherein they say that as a result of their recommendations regarding minimum wage actual increase at the minimum level in addition to interim relief of Rs. 11.80 would be Rs. 26.70 for Bombay, Calcutta and Madras, Rs. 26.70 at Visakhapatnam and Cochin, Rs. 22.20 at Marmugao and Rs. 19.20 at Kandla and Paradeep it is abundantly clear that the interim relief is not to be added once again for the purposes of fitment. The same figures for increases in the wages at minimum level based on the recommendations have been adopted in Para 7.6.8 of the Report in its Chapter on the Impact of proposed Wage Structure. Again, in 7.2.10 (sub-paragraph (iv)), Wage Board has stated that the amount of Rs. 11.80 granted by the Board by way of two interim reliefs has been merged in the new wage structure proposed by the Wage Board except where specifically indicated otherwise this amount should be withdrawn from the date the Board's recommendations come into force." Further in para 7.3.16 of this Report, the Wage Board had stated that "it may also be mentioned here that although there is unanimity on the minimum basic wage of Rs. 100/- per month the majority has arrived at this figure by merging in the present basic pay a major portion of the increase (including interim relief) in the total emoluments which would have accrued to the employees as a result of its recommendations".

It is therefore, abundantly clear from the various observations of the Wage Board that they were obliged to have two different sets of formulae for fitment—one for the Dock workers and another for the workers under the Port Authorities and the staff of the Dock Labour Boards and their administrative bodies and that it is also clear that in respect of the categories who are covered by this issue under arbitration, the interim relief stands merged when the new wage structure came into force. For these reasons I do not consider that there is any merit in the demand for inclusion in full or in part of the interim relief in the matter of fixation of pay in the revised scales. The claim is disallowed.

18. "Issue (iii) :—Whether Dearness Allowance (including additional Dearness Allowance and increases in Dearness Allowance from time to time) in part or full should be treated as pay for the purpose of House Rent allowance and City Compensatory allowance".

It was argued, at the outset, by Shri S.C.C. Anthony Pillai and Shri Makhan Chatterjee that in the Note of Dissent submitted by the representatives of workmen on the Central Wage Board for Port and Dock Workers in Major Ports they have referred to the Report of the National Commission on Labour which had then been just published and have expressed the view that a portion of the dearness allowance should have been merged with pay. Shri S. R. Kulkarni and Shri Makhan Chatterjee had, their Note of Dissent, stated as follows :

"The rates of the dearness allowance recommended by a majority of the Members of the Wage Board are the same as applicable to the Port and Central Government employees, when the average All India Consumer Price Index was 215, with merely the enhancement thereof by one rupee only.

The decision regarding the structure of pay and allowances were taken long before the Government of India announced its decision regarding merger of the Dearness Allowance payable at the all India index of 175, and calling it "Dearness Pay".

Thereafter, the Report of the National Commission on Labour has been published. At paragraph 16.41 of the said Report it is asserted : We have been informed that prices are not likely to settle below the level of 1968. Spokesman of the Planning Commission and the Reserve Bank of India, besides others have been clear on this point. There can thus be a strong case for merging dearness allowance with basic wage at the 1968 price level.

In the light of this recommendation of a body whose opinions are undoubtedly weighty, we are of the view that there should be no reduction in the rates of dearness allowance payable at the index 215. Since this was the average for the year 1968.

In the light of the said recommendation of the National Commission on Labour, which Government, we trust, will undoubtedly accept, and as wages of comparable employees are likely to be revised in the light of the said recommendation, we are of the opinion that the whole of the rates of Dearness Allowance recommended by the Wage Board at index 215 of the All India Consumer Price Index should be merged with basic pay for all purposes."

Referring to the 'acute distress' caused to the Port and Dock workers consequent on the steep increase in costs including cost of rent particularly in Metropolitan cities and those cities where Port and Dock workers live and work, the Workers' representatives quoted from the reports of the 1st, 2nd & 3rd Pay Commissions in respect of these matters. They also referred to the increased rate of house rent allowance being sanctioned for various public sector enterprises in the Metropolitan centres. They also referred to the earlier orders of the Government of India treating a portion of the dearness allowance as dearness pay for certain purposes such as higher HRA, CA, from 1st December, 1968. In this context it was also argued that the above-mentioned order of the Govt. had not been given effect to in respect of Class III and Class IV employees of the Port Trusts. In support of the claim they referred to the decision of the Wage Board on Interim Relief Award that the Port and Dock workers should continue to be paid dearness allowance on the pattern of the dearness allowance of the Central Government employees till final recommendations of the Board came into effect, keeping this in view, it was urged that merger of a certain portion of D.A. with pay is also covered by the term "Pattern of the Dearness Allowance." The workers' representatives further pointed out that keeping in view the D.A. formula for Port and Dock workers evolved by the Wage Board for the neutralisation of increases in cost of living, the disparities in emoluments, between the Port and Dock workers on the one hand and other industrial workers in these Metropolitan areas on the other, have considerably widened and it is only by merging a portion of the dearness allowance as dearness pay that some relief would be available to these workmen, as such merger would increase their house rent allowance as well as city compensatory allowance.

The worker's representatives further referred to a Resolution of the Trustees of the Cochin Port Trust Board at its meeting held on 14-10-1971 at which it was resolved by the Trustees to urge the Government to pass necessary orders very early for implementing the Finance Ministry's O.M. of 18th January 1971 in respect of Class III and Class IV employees of the Port also with effect from 1st December, 1968. The Workers' representatives further referred to the recommendations of the Desai Committee which was set up by the Government to go into the pay structure of Class I and Class II employees of various Port Trusts and Dock Labour Boards in which the Committee had recommended that a certain portion of the dearness allowance must be merged with pay; these recommendations were accepted by the Government and given effect to from 1.1.69. Considering that the Desai Committee in its Report has referred to the various recommendations of the Wage Board in respect of several matters and has recommended merger of a certain portion of D.A. with basic pay, it was urged by the Workers' representatives that a similar benefit should be extended to Class III & Class IV employees of the Port Trusts and Dock Labour Boards.

19. On behalf of the Port authorities it was, on the other hand, urged that the claim for merger of a portion of dearness allowance with pay is only an attempt at wage revision, what the workers are interested in is not a mere notional merger of a portion of dearness allowance with pay but the consequential increase in the house rent allowance and compensatory allowance which they would be entitled to as a result of such merger. It was, therefore, urged on behalf of the Port authorities that such a consequential increase will upset the carefully evolved wage structure for the Port and Dock workers by the Wage Board under which the wage was divided into four components of basic pay, dearness allowance, house rent allowance and compensatory allowance. They further urged that the recommendation of the Wage Board fixing the minimum wage at Rs. 202 for Bombay, Calcutta and Madras, Rs. 190 for Marmugao and Rs. 187 for Visakhapatnam and Cochin and Rs. 172 for Kandla and Paradeep was the majority recommendation of the Wage Board including the representatives of the workers on the Wage Board. This being the case, an attempt to alter the wage structure on the plea of the need for the merger of a certain portion of D.A. with basic pay for the purposes of increased HRA and CA should not be countenanced particularly when this demand for merger has been turned down by the Wage Board by its majority recommendation. It was further argued on behalf of the Port authorities that it is not consistent for the workers' representatives to continue to refer to the Governmental pattern when it was, at their instance that the Employers' representatives on the Wage Board were enjoined not to take a rigid stand on this. As regards the reference made by the Workers' representatives to the recommendations of the Desai Committee and Government orders thereon, it was argued on behalf of the Port authorities that the Wage Board, on the one hand, and the Desai Committee, on the other, were two different bodies concerning different categories of employees; therefore the recommendations of the Desai Committee and Government's decision thereon cannot be advanced as an argument in favour of their claim. Similar arguments were also advanced by Shri Kaka.

20. I have carefully considered this matter, in the light of the statements made, the Report of the Wage Board and other factors. The majority Report of the Wage Board on the question of conversion of part of dearness allowance into dearness pay is in Paras 8.19 to 8.22 of the report, as extracted below :—

"8.19 The labour members referred to the recent orders of Government to the effect that a portion of dearness allowance should be treated as pay for the purpose of pension and gratuity, contributory provident fund, city compensatory allowance, house rent allowance, travelling allowance, etc. and demanded that similar action should be taken for port and dock workers.

8.20 The employer members were opposed to the acceptance of this demand particularly for the reason that the Board had already taken a decision not to be guided by the Government wage structure.

8.21 It was difficult for the Chairman and independent members also to agree with the demand of labour, because there appeared to be no justification in claiming the benefits subsequently accruing to Government employees in matters in which a departure has already been decided to be made by the Board from Government pattern of wage structure. By the Government decision to treat a part of dearness allowance as dearness pay, there have been no changes in the scales of pay, rates of increments and the basis on which dearness allowance is calculated. On the other hand, according to the new pay structure recommended by the Board, higher pay scales have been proposed, increment rates have been upgraded and a more beneficial system of D.A. has been recommended.

8.22 Moreover, the port and dock workers do not stand to gain much by the conversion of their D.A. into dearness pay in so far as the retirement benefits are concerned, because the C.P.F. and special gratuity contributions are already on the basis of total wage and in case of pension the Board has recommended that the definition of pay should be

uniform for calculation of all retirement benefits. The Board has, therefore, decided, by majority, (labour members dissenting) that there should be no conversion of part of dearness allowance into dearness pay".

It may be seen from above that the majority decision of the Wage Board against conversion of a portion of dearness allowance into dearness pay was on the ground that the new pay structure recommended by the Wage Board envisages higher pay scales, upgraded incremental rates and more beneficial system of dearness allowance. Considering, therefore, that the Wage Board by majority recommendations have turned down this request of merger of a certain portion of D.A. with dearness pay and that the Wage structure at Consumer Price Index 215 (1949=100) comprising the elements of basic wage, dearness allowance, House Rent Allowance and Compensatory Allowance was again based on the majority recommendations of the Wage Board including the Workers' representatives and considering that even in their Note of Dissent, Sarva Shri S. R. Kulkarni and Makhhan Chatterjee had also recommended dearness allowance at Consumer Price Index No. 215 (at which the various components of wage were fixed) should alone be merged with the basic pay for all purposes, I see no justification for the claim for such a merger. Any merger of this nature would indirectly amount to a wage revision and will affect the wage structure, as evolved by the Wage Board and accepted by the Government. Such a change could and should be thought of only by a Wage Revision Authority taking all attendant circumstances into account and should not be embarked upon in an indirect manner as is now suggest particularly when the recommendation of Wage Board, as accepted by the Government, were to be in operation for a period of 5 years from 1-1-1969.

While on this, I would also like to refer to another matter: the Wage Board, by a majority in Para 8.17 of its Report had decided that the definition of pay should be the same for all retirement benefits as it is applicable at present to Contributory Provident Fund of the major Port Authorities for Class III and Class IV employees. As a consequence of this recommendation, the Board also, by majority, recommended that the employees should be allowed to exercise a fresh option in respect of pension benefits. I am referring to this recommendation for the reason that in Para 8.22 of its Report, referred to earlier, it may be seen that one of the arguments against merger of a part of Dearness Allowance as dearness pay was that the Ports and Dock Workers do not stand to gain much by the conversion of their D.A. as Dearness pay insofar as retirement benefits are concerned, for the reason that, in the case of pension, the Wage Board had recommended that the definition of pay should be uniform for calculation of all retirement benefits. This recommendation of the Wage Board relating to the definition of pay for pension was not initially accepted by the Government. However, as a result of representations made to the Government, from time to time, the Government had modified these orders and had decided at one stage to treat a certain portion of Dearness Allowance as pay for the purposes of pension. On further consideration the Government decided in June, 1973 to accept the recommendations of the Wage Board in Para 8.17 and Para 8.18 of its Report; consequently, in the case of Class III and Class IV employees, 'pay' for the purposes of pension and pensionary benefits would include dearness allowance as admissible from time to time, piece rate earnings wherever applicable, and City Compensatory allowance. It is thus clear that the recommendations of the Wage Board in respect of this matter having been accepted by the Government the reasons advanced by the Wage Board by majority in not agreeing to merging a portion of D.A. with pay become both consistent and strong

In turning down this claim for merger of a certain portion of dearness allowance with pay for the purposes of house rent allowance & City compensatory allowance, I am not unaware of the enormous increase in costs particularly in those Metropolitan cities and other centres where the Port and Dock workers live and work. I have noted the arguments advanced on behalf of the workers that the disparities in earnings between Port and Dock workers on the one hand and other similarly placed workmen on the other, in such centres have been widening. This is a matter which will have to be, as already pointed out by me, tackled by a

system of wage revision. In the context of reasons that led to the Wage Board recommending by a majority against such merger, as detailed above by me. I do not think that the device of merger, at this stage would be a proper or desirable one. I understood from the parties during the hearing that the recommendations of the Wage Board having run their course, proposals are already afoot for setting up a Wage Revision Machinery for the Port and Dock industry. Relief by way of an interim or of final nature in respect of Port and Dock workers will have to be sought from that forum. It was urged before me on behalf of the workmen that, to the extent, I would give some relief in this matter to the workmen, the ultimate burden of additional wages etc. to the workmen that may be recommended by a Wage Revision Machinery would become lighter. Even should this be so, I do not think that on merits, the demand for merger of a portion of dearness allowance with pay for the purpose of House Rent allowance and Compensatory Allowance can be conceded by me at this stage. I may also briefly dispose of the argument on behalf of the workers based on the recommendations of the Desai Committee in respect of Class I and Class II Officers in this regard and Government decision thereon. It would appear that in making their recommendations, the Desai Committee had kept in view the recommendation of the Wage Board in respect of Class III and Class IV employees. The recommendation of the Desai Committee on the treatment of portion of Dearness Allowance as dearness pay as in Para 2.41 of its Report reads as follows :—

"2.41. At present out of the Dearness Allowance paid, the following amounts are treated as Dearness Pay.

Pay range	Dearness Allowance treated as Dearness pay
Up to Rs. 400	Rs. 110/-
Rs. 400—Rs. 999	Rs. 120/-
About Rs. 999	Amount short of Rs. 1119/-

We have examined whether any part of the Dearness Allowance recommended by us should be treated as Dearness Pay. Taking into account the revised scales that we have suggested, we recommend that in respect of persons drawing pay up to Rs. 1000 an amount of Rs. 45 per month out of the Dearness Allowance recommended by us should be treated as Dearness Pay".

No specific reason for this recommendation has been given unless it be that the Committee considered it necessary to extend the scheme of merger even under their proposed revised wage structure. While this recommendation differs from that made by the Wage Board I do not think that any relief on this account alone is called for in view of the reasons which compelled the Wage Board in its majority view to recommend against such merger.

As regards Resolution of the Cochin Port Trust referred to above, it may be noted that the Resolution was merely to urge the Government to pass necessary orders for merging a portion of D.A. as dearness pay in respect of Class III and Class IV employees of the Port also w.e.f. 1st December, 1968. Presumably, the Government had not thought it fit to act on this Resolution of the Cochin Port Trust in view of the decision already taken by the Government excepting the majority recommendation of the Wage Board in this regard.

In these circumstances, I do not consider that any portion of the dearness allowance should be treated as pay for the purposes of house rent allowance and city compensatory allowance. This issue is decided accordingly.

21. An Award is passed in terms of decision indicated by me above on each of the three issues referred to me for arbitration. Parties will bear their own costs.

I would like to express my very grateful thanks to the representatives of the workers as well as the Employers who appeared before me and extended to me full cooperation in arguing their case with precision as well as expedition. During the hearings there was a considerable degree of good humour on both sides which made my job as an Arbitrator pleasant and worthwhile
12-11-1974.

[No. L. 39013/1/73-P&D/CMT]

T. S. SANKARAN, Arbitrator and Jt. Secy.

New Delhi, the 26th November, 1974

S.O. 3247.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Shri Ghasilal Teli Mine Owner Post Dabi (District Bundi) and their workmen, which was received by the Central Government on the 8th November, 1974.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR**

Case No. SGIT/LC(R)(11) of 1974.

(Notification No. L-29011(22)/74-LR.IV, dated 10-5-1974)

PARTIES :

Employers in relation to the management of Budhpura Sand Stone Mine of Shri Ghasilal Teli, Post Dabi (District Bundi) and their workmen.

APPEARANCES :

For the management : —None.

For the workmen : —Shri M.P. Sharma.

INDUSTRY : Sand Stone Mine DISTRICT BUNDI (RAJ.).

AWARD

The workmen of Budhpura Sand Stone Mine owned by Shri Ghasilal Teli, Post Dabi, district Bundi raised a dispute with regard to the grant of the following national paid holidays and festivals from 4-1-1974 :—

1. Independence Day (26th January)	—	1 day
2. 1st May (Labour Day)	...	1 day
3. Holika Dahan (Dhulendi)	...	1 day
4. Rakshabandhan	...	1 day
5. Krishna Janma Ashtami	...	1 day
6. 15th August (Independence Day)	...	1 day
7. Dussehra	...	1 day
8. Dipawali	...	1 day
9. 2nd October (Gandhi Jayanti)	...	1 day
10. Id	...	1 day

The dispute on behalf of the workmen was sponsored by the Pathar Khan Mazdoor Sangh, Kota. At first it took up the matter with the Mine Owner, Shri Ghasilal Teli, but the latter did not send any reply to the Union. Thereafter, the Union raised the dispute before the Assistant Labour Commissioner (Central) Kota. Neither the employer nor any of his representative appeared before the Assistant Labour Commissioner (Central) Kota on any of the dates fixed by him for conciliation proceedings which eventually ended in failure. Thereafter the Central Government referred the dispute to this Tribunal. The question for the adjudication of this Tribunal as set out in the schedule to the reference is:—

“Whether the workmen employed in the Budhpura Sand Stone Mine of Shri Ghasilal Teli, Post Dabi (District Bundi) are entitled for grant of any paid national and festival holidays?”

Neither the employer nor any one of his representative appeared before me on any of the dates fixed for the hearing of the reference, nor did the employer file any written statement on his behalf.

Shri Mahabir Prasad Sharma, the President of the Pathar Khan Mazdoor Sangh, Kota appeared before me on behalf of the workmen and gave evidence on their behalf. He has stated that neither the employer nor any one of his represen-

tatives replied to the representation made by the Union with regard to the workmen's demand nor he or his representative appeared before the Assistant Labour Commissioner (Central) Kota when the latter was seized of the conciliation proceedings. The aforesaid proceedings before the Assistant Labour Commissioner (Central) Kota ended in failure and thereafter the Central Government made the present reference to this Tribunal.

Shri Mahabir Prasad Sharma in his evidence has supported the case of the workmen. Similar question came up before me in a number of references viz. Nos. CGIT/LC(R) (16), (20), (21) and (25) of 1973 and CGIT/LC (R)(4), (5), (6) and (7) of 1974 in which I have held that the National and Festival holidays in question should be treated as paid holidays. I have taken the view that apart from the holidays and rest days allowed under the Mines Act, the workmen are entitled to the aforesaid holidays since they are well recognised national holidays and festivals. The mere fact that such holidays do not come under the provisions of the Mines Act does not mean that the workmen are only entitled to one day's holiday for workings on six days and they cannot have any other paid holidays. As mentioned above, in view of the well recognised national character of the aforesaid holidays, I have no hesitation in holding that the workmen are entitled to the aforesaid holidays as paid holidays from 4-1-1974 and I make my award accordingly.

The attitude of the employer has been deplorable. He did not appear before this Tribunal in spite of the notices sent to him. The representative of the Union has appeared before me in person. He has claimed costs. I allow Rs. 200.- as costs to the workmen.

[No. L-29011/22/74-LR-IV]

S. N. KATJU, Presiding officer.

New Delhi, the 27th November, 1974

S.O. 3248.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Rajasthan, Jaipur in the matter of an application under section 33A of the Act filed by Shri Prahlad Gujar against the Project Officer, Pyrites, Phosphates and Chemicals Limited, Post Office: Khandela, District Sikar, Rajasthan which was received by the Central Government on the eleventh November, 1974.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
RAJASTHAN, JAIPUR**

Complaint No. CIT-I of 1973

Shri Prahlad Gujar s/o Shri Manguram..... Complainant

Vs.

The Project officer, Pyrites, Phosphates and Chemicals Limited, P.O. Khandela, District Sikar, Rajasthan ..Opp. Party

AWARD

This is a Complaint under Section 33A of the Industrial Disputes Act filed on behalf of Shri Prahlad against the order of his removal dated 20-2-73, it is alleged he was an employee of the Pyrites, Phosphates and Chemical Limited, Khandela. On 20-2-73 he was removed from service on frivolous charges. Since he is a concerned workman in the reference pending before this Tribunal, it was incumbent upon the management to obtain approval from his Tribunal.

In reply it was pointed out on behalf of the management that Shri Prahlad Gujar was removed after proper enquiry and an application for approval was made to the Tribunal

which is under consideration. The learned counsel for the applicant conceded that approval application has been filed. Hence the application is rejected and a no dispute award is passed.

22-8-1974.

U. N. MATHUR, Presiding Officer
[No. L-29014/2/74-LR.IV]
R. KUNJITHAPADAM, Under Secy.

आदेश

नई दिल्ली, 26 अक्टूबर 1974

का० प्रा० 3249.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में राष्ट्रीय कोयला विकास निगम लिमिटेड, डाकघर भुरकुण्डा, जिला हजारीबाग की भुरकुण्डा कोयला के प्रबन्धनत्न से संबद्ध नियोजकों और उनके कर्मचारों के बीच औद्योगिक विवाद विद्यमान है ;

और यतः, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण (संख्या 2), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

क्या मिसर्स राष्ट्रीय कोयला विकास निगम लिमिटेड, डाकघर भुरकुण्डा, जिला हजारीबाग के भुरकुण्डा कोयला खान के प्रबन्धनत्न की श्री एम० के० बी० मेनन, यान्त्रिक श्रेणी I को 29 सितम्बर, 1973 से पदच्युत करने की कार्यवाही न्यायोचित थी ? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है ?

[संख्या एल०-2012/163/73-एल०भार०-2]

ORDER

New Delhi, the 26th October, 1974

S.O. 3249.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhurkunda Colliery of National Coal Development Corporation Limited, Post Office Bhurkunda, District Hazaribagh, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication :

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act

SCHEDULE

Whether the management of Bhurkunda Colliery of Messrs National Coal Development Corporation Limited, Post Office Bhurkunda, District Hazaribagh was justified in dismissing Shri M. K. B. Menon, Mechanic Grade-I from the 29th September, 1973 ? If not, to what relief is the workman entitled ?

[No. L-2012/163/73-LR-II.]

आदेश

नई दिल्ली, 31 अक्टूबर 1974

का० प्रा० 3250.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट के बारे में जोते जानकी खास कोलियरी, डाकघर टोपसी, जिला बर्दवान के प्रबन्धनत्न से संबद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

क्या जोते जानकी खास कोलियरी, डाकघर टोपसी, जिला बर्दवान से संबद्ध प्रबन्धनत्न का, सर्वश्री राम दिव्य यादव, मूषी, हरिचन्द्र यादव, रावि रक्षक, सो० हुस्सेन, चालक, रामकुमार यादव, जलील अन्सारी, बी० मजदूर, अस्गर अन्सारी, बी० मजदूर, मजूर आलम, बी० मजदूर, साबिक खान पी० खनिक और गफूर मिया, पी० खनिक को 28 अक्टूबर, 1972 से रोजगार देने से इंकार करना न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष के हकदार है ?

[सं० एल० 19012/23/73-एल०भार० 2]

ORDERS

New Delhi, the 31st October, 1974

S.O. 3250.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jote Janki Khas Colliery, Post Office Topsis, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management in relation to Jote Janki Khas Colliery, Post Office Topsis, District Burdwan are justified in refusing employment to Sarvashri Ram Brich Yadav, Munshi, Harichandra Yadav, Night Guard, Md. Hussain, Driver, Ram Kumar Yadav, Jalil Ansari, B. Mazdoor, Asgar Ansari, B. Mazdoor, Mazur Alam, B. Mazdoor, Sadique Khan, P. Miner and Gafur Mia, P. Miner with effect from the 28th October, 1972 ? If not to what relief are the workmen entitled ?

[No. L-19012/23/73-LR.II.]

का० प्रा० 3251.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मिसर्स वापर इंड्रॉफोर कंपनी प्राफ इंडिया लिमिटेड, टेकेदार, जामाखोबा कोयला खान, डाकघर जीलगोरा, जिला धनबाद के प्रबन्धनत्न से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा के अधीन गठित औद्योगिक अधिकरण (संख्या 1), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

क्या मैसर्स थापर इण्ट्राफोर कंपनी प्राफ इंडिया लिमिटेड, ठेकेदार, जामा-दोबा कोलियरी, डाकघर जीलगोरा, जिला धनबाद द्वारा सर्वश्री मदन मोहन नन्दी और भार० एन० दास, डम्पर ओपरेटर्स की छंटनी वेध और न्यायोचित है और क्या कर्मचारियों को छंटनी मुआवजा, उपदान, छुट्टी मजदूरी, बोनस इत्यादि का भुगतान सही तौर से कर दिया गया है ? यदि नहीं, तो कर्मकार किम अनुतोष के हकदार हैं और किस तारीख से ?

[संख्या एन०-2012/54/74-एल० प्रार०-2]

ORDER

S.O. 3251.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Thapar Intrafor Company of India Limited, Contractor, Jamadoba Colliery, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the retrenchment of Sarvashri Madan Mohan Nandi, and R. N. Das, Dumper Operators by Messrs Thapar Intrafor Company of India Limited, Contractor, Jamadoba Colliery, Post Office Jealgora, District Dhanbad, is legal and justified and whether the employees have been paid retrenchment compensation, Gratuity, Leave Wages, Bonus, etc., correctly? If not, to what relief are the workmen entitled and from what date?

[No. I-2012/54/74-I RII]

आदेश

नई दिल्ली, 4 नवम्बर, 1974

का० प्रार० 3252.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स भारत कोकिंग कोल लिमिटेड, डाकघर भागबन्द, जिला धनबाद की भागबन्द कोलियरी के प्रबन्धन से संबंध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण (सं० 2), धनबाद को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

क्या मैसर्स भारत कोकिंग कोल लिमिटेड, डाकघर भागबन्द, जिला धनबाद की भागबन्द कोलियरी के प्रबन्धन द्वारा सर्वश्री धारखंडी गोप, विश्वनाथ गोप, स्वामीनाथ गोप, गुलाबचन्द साव और मंजूर मिया को निम्नले वर्ग में पदनिहित करना जबकि उनसे फरवरी, 1973 से लूजमेन के उच्चतर वर्ग का कार्य लिया जा रहा है, न्यायोचित है ? यदि नहीं, तो कर्मकार किम अनुतोष के हकदार हैं और किम तारीख से ?

[संख्या एल-2012/24/74-एल० प्रार०-2]

ORDERS

New Delhi, the 4th November, 1974

S.O. 3252.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhagaband, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhagaband District Dhanbad are justified in designating Sarvashri Jharkhandi Gope, Biswanath Gope, Swaminath Gope, Gulab Chand Saw and Manjur Mian in the lower Category while taking work from them of the higher category of Loosemen from February, 1973? If not to what relief are the workmen entitled and from what date?

[No. L-2012/24/74-LRII]

का० प्रार० 3253.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स कोयला खान प्राधिकारी की पूर्व कपसारा कोलियरी डाकघर, मुगमा, जिला धनबाद के प्रबन्ध से संबंध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण (संख्या 2), धनबाद के न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

क्या मेसर्स कोयला खान प्राधिकारी की पूर्ण वपसारा, कारियरी डाकघर मुग्मा, जिला धनबाद के प्रबन्धनत्र की श्री अवध विहारी गोप, गति रसक का 3 मार्च 1973 से काम से राखने की कार्रवाई ल्याया जित है ? यदि नहीं तो संबंधित वर्मकार किम अनुनाप का हकदार है ?

[संख्या एन०-2012/167/73-एल० प्रार०-2]

S.O. 3253.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Kapasara Colliery of Messrs Coal Mines Authority, Post Office Mugma District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No 2 Dhanbad, constituted under section 7A of the said Act

SCHEDULE

Whether the action of the management of East Kapasara Colliery of Messrs Coal Mines Authority, Post Office Mugma, District Dhanbad in stopping from work Shri Awadh Bihari Gope, Night Guard, with effect from the 3rd March, 1973 is justified? If not, to what relief is the concerned workman entitled?

I ALFAK ZUALA, Dy Secy

[F No L-2012/167/73-LRII]

New Delhi, the 23rd November, 1974

S.O. 3245.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (Central), Hyderabad in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Kothagudem, Post Office Kothagudem (Andhra Pradesh) and their workmen which was received by the Central Government on the 15th November, 1974

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD:

Industrial Dispute No 30 of 1967

BETWEEN

Workmen of Singareni Collieries Company Limited, Post Office Kothagudem Collieries (Andhra Pradesh),

AND

Management of Singareni Collieries Company Limited, Post Office Kothagudem Collieries (Andhra Pradesh).

APPEARANCES

Sri K G Kambirani, Advocate for Singareni Collieries workers' Union, Kothagudem

Sri A Lakshmana Rao, Advocate, for Singareni Collieries Mazdoor Sangh, Kothagudem, Andhra Pradesh Col-

liery Mazdoor Sangh, Kothagudem, Singareni Coal Mines Mining Sirdars and Overmen Association, Rudrapur, Singareni Collieries Mining Sirdars and Overmen Association, Bellampalli.

Sri Vedula Jagannadharao, Vice President, INTUC, for Tandur Coal Mines Labour Union, Bellampalli.

Sri K. Satyanarayana, Advocate, for Singareni Collieries Officers Association, Ramakrishnapur

Sri K. Srinivasa Murthy, Hon Secretary of Federation of A P Chambers of Commerce and Industries and Sri N. Bhaskarachary, Chief Personnel Officer, Singareni Collieries Company Limited, for Management.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) through Notification No 7/21/67-LRII dated 30th October, 1967 referred the industrial dispute between the Employers in relation to Singareni Collieries Company Limited (Andhra Pradesh) and Their Workmen under Section 10(1) (d) and Section 7A of the Industrial Disputes Act 1947 (which would hereinafter be called as the Act) for adjudication by the Tribunal on the following issue

Subject to the views expressed and re-recommendations made by the Central Wage Board for Coal Mining Industry, and the agreement between the management of Singareni Collieries Company Limited and their trade unions referred to, in paragraphs 3 to 6 of Ch IX of the Wage Boards report, what further modification and changes in the categorisation and wage structure recommended by the said Wage Board for West Bengal and Bihar coalfields are necessary to make the said categorisation and wage structure applicable to the workmen of the Singareni Collieries Company Limited, having regard to the special conditions obtaining in the Andhra Pradesh Coalfields "

2 The reference was registered as Industrial Dispute No. 30 of 1967 and notices were directed to the four Unions at whose instance the reference was made, and to the Management. On behalf of the Singareni Collieries Workers' Union a claims statement is filed by its General Secretary, The General Secretary of the Singareni Colliery Mazdoor Sangh filed another claims statement. A claims statement is filed by the President of the Tandur Coal Mines Labour Union. Another claims statement is filed by the General Secretary of the Andhra Pradesh Colliery Mazdoor Sangh. The claim statements filed by the first three Unions are the same. The claims statement filed by the last (or the 4th Union as mentioned above) is slightly different but in substance the claims are the same. The claims put forward by all the four Unions briefly stated are these — They have inter alia traced the history of the categorisation and the wage structure upto the time the Wage Board was constituted. In the claims statement given by the 4th Union, the number of Khans and the number of workmen is also given showing the figure 36,000 in all. It is alleged that the dispute relates to Time Rated, Piece Rate, Clerical and Technical, Supervisory Staff employed in the Collieries Company and with regard to the manner of fitment of the employees in various categories prescribed under Chapter VIII of the Wage Board recommendations. From the time wage fixation was undertaken by the Government in respect of Collieries in India, Singareni Collieries have been dealt on a separate footing. The first attempt of categorisation is said to have been made by Jadav Committee which confined itself to Singareni Collieries. Later the Government of India appointed a Tribunal under the Chairmanship of Sri Mazumdar which has gone into the question of categorisation of various job descriptions of the Collieries in India and gave his award which is popularly known as Mazumdar Award. On an appeal to the Labour Appellate Tribunal slight modifications are said to have been made to this Award. As certain specific points for dispute were raised again, the matter went for arbitration before Sri Das Gupta who gave his award in the year 1960. The contention of the workmen is that in all these awards, Singareni collieries have been given a special basis for purpose of categorisation and wage fixation. The workmen of various categories are broadly classified into Time Rated, Piece Rated and Monthly Rated categories. Under the Mazumdar Award and under the award of the

Labour Appellate Tribunal the Time Rated categories were said to be 10. But under the Wage Board recommendations, these categories were reduced to 6. With regard to piece Rated workmen the Mazumdar Award as well as the Wage Board, the Fillets in Andhra Pradesh Collieries are said to have been given special recognition and re-grouped under Group IV. The dispute with regard to these workmen is also said to be with regard to fall back wages. The Monthly rated category is said to consist of Clerical, Technical and Supervisory Staff. The Technical and Supervisory Staff is again said to have been categorised under Mining, Medical and Survey Department. The Wage Board has classified these categories into 8 as grades A to H.

3. In the Mazumdar Award it is said to have been specifically stated that certain amount of elasticity would be necessary in applying the categorisation prescribed by it so far Andhra Pradesh Collieries are concerned. The wage Board appointed by the Government of India, while categorising various job descriptions taking Bengal and Bihar Collieries as the norm, has categorised the workmen broadly into various categories as contained in Chapter VIII of its recommendations. It is however alleged that it could not cover all categories of employees working in several other departments like Washing Plant, Coke Plant, Building Department, Power House etc. Thus the Wage Board is said to have contemplated existence of several categories of employees which it did not cover besides the above departments. With regard to such employees the Wage Board directed that the scales of pay should be suitably revised and appropriately fixed in consultation with the Representatives of the workmen taking into account their existing scales of pay, skill, experience responsibilities and other relevant factors. The Wage Board is said to have not provided for certain categories of workmen in highly mechanised mines though special provisions are said to have been made for workmen in N.C.D.C. It is however alleged that prior to the finalisation of the Wage Board report, its members visited Singareni Collieries in April 1964 and gathered evidence with a view to ascertain job descriptions and the special features prevailing in Andhra Pradesh Collieries. In February 1966 the Sub-Committee of the Wage Board visited Hyderabad without any notice, for resolving the differences between the Management and the workmen by discussions in respect of categorisation of workmen performing work under certain job descriptions. The averment is that these discussions were tentative and that no agreement could be reached. It is thus alleged that it would be a misnomer to call those discussions as agreements. The discussions are said to be with regard to 14 classes of workmen including Pump Khalasis, Tyndal etc. Even with regard to these classes of workmen the Management is said to have invited the representatives of workmen for discussions through a letter dated 25-8-1967. It is contended that even from this letter it is clear that the discussions held in February 1966 were not treated by either parties as an agreement. Thus the agreements mentioned in the reference are said to be of no binding character. It is alleged that with regard to workmen who are not covered by the Wage Board, their interest was safeguarded by the Wage Board by directing 10 per cent wage increase as provided in section F of Chapter VIII of its recommendations. With regard to some of the employees of department of Power House,

Workshop (Mechanical and Electrical) Prospecting Department, Building Department Medical and Sanitary Clerical and Supervisory Staff, Mining Aerial Shaft, Sinking Department either Time rated or Monthly rated no grades are said to have been fixed by the Wage Board. As with regard to the above employees the Management was not willing to settle the claims, the Union issued a strike notice and as the conciliation machinery also failed in its attempts, the reference is said to have been made. It is thus reiterated that the discussions held in February, 1966 cannot be termed as agreements and at best they are only tentative proposals with regard to categorisation. Thus even with regard to alleged agreement in relation to certain categories, the workmen seek to re-open the whole question of wage structure and the categorisation. The ground on which a claim proceeded is that the job descriptions obtaining in Bengal and Bihar Coal Mines which are taken as the norm by the Wage Board for laying down certain categories are not the same in the Collieries of Andhra Pradesh. The contention is, that if the tasks performed are similar under the specific job descriptions in Andhra Pradesh Collieries to that of Bengal and Bihar Coal Mines the categorisation prescri-

bed by the Wage Board would have to be followed. But where additional tasks are performed in these Collieries and where higher wages prevail in Bengal and Bihar, due recognition of the same has to be given by the Management by fixing the said workmen in a higher category. This, in short, is said to be the sum and substance of the dispute. Thus the present reference according to the Workmen comprehends all the workmen employed in all the Divisions of the Collieries belonging to the Singareni Collieries Company Limited. Thus with regard to 62 categories of workmen revision of categorisation and pay structure is sought. A summary of the demands is enclosed herewith. The further demands are for introduction of incentive scheme and method of calculation and general demand on account of conveyance allowance, etc.

4. It is relevant to note that three more Unions got impleaded themselves as parties to the dispute. The said Unions are the Singareni Coal Mines Sirdars and Overmen's Association, Rudrampur, Singareni Collieries Mining Sirdars and Overmen's Association, Bellampalli. The Singareni Collieries Officers' Association for the limited extent of Welfare Officers and Surveyors is also impleaded as a party.

5. It can be mentioned that the claim of the Overmen and Mining Sirdars was also put forward by the Workmen Union in their claims statements. However the two Associations of the Mining Sirdars and Overmen have, in addition, filed their claims statement inter alia alleging that their task is an onerous one and that they are entitled to higher grades. It is pertinent to note that the petition for impleading the Singareni Collieries Officers' Association was opposed by the Management on the ground that even the Welfare Officers and Surveyors are not workmen. Earlier this Tribunal allowed the petition for impleading that Association to the extent of the Welfare Officers and Surveyors on the ground that those two categories fall under the category of technical line Supervisory staff vide Chapter VIII of the recommendations of the Wage Board. The Tribunal did not give any finding, having regard to their nature of work as to whether they are workmen within the meaning of Section 2(S) of the I. D. Act. Thus that question was left open. In their claims statement it is contended that the Wage Board has recommended the grade of Rs. 405—730 taking into consideration the existing scale of Rs. 95—205. But the Surveyors and Welfare Officers in these Collieries are said to be already in the grade of Rs. 200—525 and that the grade suggested by the Wage Board does not suit them. Thus the existing grade of Rs. 200—525 is said to be more beneficial. The Wage Board is said to have placed on record that where higher scale of pay than those recommended by the Board are prevailing, such higher scale should be continued and further improved upon. In view of the nature of work, it was contended that the Surveyors and Welfare Officers should be placed consequent to the revision in the grade of Rs. 600—1150, with an annual increment of Rs. 50 00. They also sought certain other benefits like Railway fare, Conveyance allowance, Sick leave, House Upkeep Allowance.

6. The Management filed a common counter with regard to the claim statements of the four Labour Unions and the claims statements of Sirdars and Overmen Association. In this counter the circumstances leading to the Coal Award of 1956 with regard to the uniform Wage structure for the entire country and the modifications made by the Labour Appellate Tribunal of India are mentioned. It is also averred that the provisions of the Coal Award with the modifications made by the Labour Appellate Tribunal were implemented by the Management with effect from 26th May, 1956. Yet, the differences that persisted in the Coal industry are said to have been referred to arbitration by Sri Das Gupta. The averment in that context is that though the award of Sri Das Gupta did not apply to the Collieries in Andhra Pradesh, yet the said award was implemented by these Collieries in consultation with the workmen and the time scale and other benefits as per this award were also extended to the workmen in these collieries. As per the terms of reference of the Wage Board, it is alleged that the Wage Board had to fix a fair wage having regard to the needs of the industry in the developing economy, and thus the Wage Board had to determine categories of employees that are to be brought in within the wage fixation. It is however alleged that the fixation of a fair wage necessarily depended upon the financial capacity of the Collieries to meet the additional expenditure. Thus any fair wage which does not take into

account the financial capacity of the industry is said to be unaffordable. The Singareni Collieries is said to be in bad financial position. In spite of it the fair wage fixed by Wage Board has been implemented by the Collieries. One of the main contentions is that the Colliery is financially in a very bad position. The workmen in their claims statement are said to have asked for a re-classification of all categories with higher wage structure than what are recommended by the Wage Board. For implementing Wage Board recommendations itself the Company is said to be incurring an additional expenditure of Rs. 250 lakhs per annum. If the re-classification as claimed by the workmen is to be implemented, the Company has to incur an additional liability of more than Rs. 1 crore 75 lakhs. In this context it is mentioned that the Company already incurred a loss of Rs. 9.90 lakhs during the year 1966-67 and that the prospects for the year 1968-69 are also discouraging. Thus the financial incapacity is urged as a preliminary ground for entertaining the re-classification as claimed by the workmen. A finding on this preliminary objection was also invited. As to the merits of the claims it was contended that the scope of the reference is very limited and does not cover the number of categories with regard to which claims are made in the claims statements. At the outset it was contended that having regard to the job contents, the categorisations and the job descriptions as adopted by the Wage Board should be applied to all the Collieries in Andhra Pradesh as found mentioned in the recommendations of the Wage Board in para 3 of Chapter IX. It is thus contended that the Wage Board had fixed uniform standards for various types of workers throughout the country taking into account the job nomenclature and job description and categorisation, as are obtaining in Bengal and Bihar. It is contended that the Board was fully aware of certain differences between the job nomenclatures and job descriptions and categorisations that existed in Andhra Pradesh on the one hand and Bengal and Bihar on the other, yet the Wage Board fixed uniform standards as is evident by paras 16, 20, 22 at page 58 and 59 and on page 86 of the report. It is however alleged that with regard to certain specific categories on account of the differences existing in the job contents in Andhra Pradesh and that of Bengal and Bihar, a sub-committee was deputed which visited Hyderabad and discussed the matters with representatives of the Management and the representatives of the registered Unions. Thus in the meeting held at Hyderabad in February 1966, it is said to have been agreed that the categorisation as recommended for all the Coal fields in India except Assam should be adopted in Singareni Collieries. Thus except with regard to Coal Cutters and with regard to other categories there is said to be a specific agreement. The workmen in their claims statement are said to have given a go-by to this agreement and sought a re-classification with regard to all categories. The claim thus put forward is said to have constituted the Tribunal into an additional Wage Board and has widened the scope of the reference. The contention is that with regard to only specific categories where the job contents are slightly different and particularly with regard to the categories of Coal Cutters, the reference could be maintainable. It is also contended that under the guide of interpretation as to the nature of work which is said to be different in these Collieries, the workmen are seeking promotion and the question of promotion is said to be a managerial function which cannot be entrusted to a Tribunal. It is also contended that claims are put forward for higher rates in respect of Piece Rated Workers and Monthly Rated Staff. But the schedule of reference according to the Management specifically refers to Daily Rated Staff. The contention is that the claims on behalf of the Piece Rated and Monthly Rated Staff are excluded from the purview of this reference. Attempt of the workmen to depart from the agreement entered into between the parties before the Sub-committee appointed by the Wage Board is said to be improper and said to be much against the spirit of the Industrial Disputes Act. The reduction of categories to 6 from the old categories of 10 as existed under the Mazdoor Award is sought to be justified. The allegations by the workmen that with regard to some of the jobs in the Power House, Workshop Building Department etc., the Wage Board has not fixed any grades is denied. In Chapter VIII at page 82 of Section (b) the Wage Board is said to have given direction for allotting the scales of pay. It is thus contended that the recommendations of the Wage Board are exhaustive and cover all the posts in the industry. In the claims statement with regard to several categories of workers who were Daily Rated under the previous awards, claim for Monthly grades is said to have been made. But the Wage Board has not prescribed any Monthly grades for

such categories. Similarly the claim for implementation of the Wage Board recommendations from 1-1-1967 as against the date 15th August 1967 was denied. The claim of the Overmen and Sirdars for the grades of Rs. 305-575 and Rs. 405-730 were also denied and it is asserted that they have been correctly placed in the grades as recommended by the Wage Board. The claims of the other workmen as made in the claims statement under the heading of Time Rated, Daily Rated and Monthly Grades are individually denied.

7. In the counter to the claims made by the Surveyors and Welfare Officers, it is denied that they are workmen and that there could be an industrial dispute with regard to their claims. Here again the plea of financial incapacity to meet the additional expenditure on account of their higher claim is set up as a defence. It is averred that while fixing the scale of Rs. 405-730, the Wage Board has not only taken into consideration the existing scale of pay of a Surveyor at Rs. 95,205 in the some other Collieries, but it also took note of the existing grades of Surveyors in these Collieries at Rs. 200-525. The implementation of the grades of Rs. 405-730 as per the recommendations of the Wage Board by these Collieries is said to be no way detrimental to these two categories of officer. The grievance of these officers that the rate of increment in the new scale is lesser than what it is under the old scale is denied. The calculation of the increment on the basis of basic pay plus Dearness Allowance plus Gratuity is said to be incorrect. The claims of these Officers for House Up-keep Allowances and Conveyance allowance are said to be matters beyond the scope of the reference.

8. As the Management invited a finding as to its financial capacity, being a condition precedent for the claim for higher categorisation, the Tribunal by its order dated 26th April, 1969 held that the question of financial capacity of the Respondent Management need not be decided as a preliminary issue. Thus the enquiry proceeded into the merits

9. On behalf of the Workmen as many as 268 witnesses were examined and Exs. W1 to W45 and Ex. M1 were marked. At that stage the workmen and the Management submitted their disputes for a decision by the Minister for Labour of the Central Government. They not only submitted the demands covered by this industrial dispute for his decision but also the demands covered by I.D. No. 45 of 1971, I.D. No. 70 of 1971 and I.D. No. 74 of 1971 and other issues. It would also appear that the parties after deliberations agreed that the decision given by the Union Labour Minister on all the outstanding issues would be binding on them and the issues will not be re-agitated. It is relevant at this stage to note that the Central Minister gave his decision on as many as 84 demands. Demand No. 50 relates to the matter covered by I.D. No. 45 of 1971 (which industrial dispute is still pending disposal). The subject matter of I.D. No. 70 of 1971 and I.D. No. 74 of 1971 are covered by demand Nos. 13 and 43. As per the decision of the Labour Minister these two industrial disputes have been since disposed of in terms of the settlement as per the decision of the Labour Minister. It is equally pertinent to note that as per the decision of the Labour Minister and as agreed to by the Management, the demands of the workmen in those two industrial disputes were fully met. Thus the Settlement in terms of the decision of the Labour Minister was reported by a Joint memo dated 20th March 1974. That Joint Memo was signed by Singareni Collieries Workers' Union, Tandur Coal Mines Labour Union, Singareni Colliery Mazdoor Sangh and by another Joint Memo dated 20th March 1974 signed by the Management and the General Secretary of the Andhra Pradesh Collieries Mazdoor Sangh. In these Joint Memos it was prayed that an award be passed in terms of the decision of the Minister. Since the three other Associations have not joined in this Memo notices were issued to them and incidentally to all the Unions when the matter came up for hearing. None of the three Associations (i.e. Singareni Coal Mines Sirdars and Overmen Association, Rudrampur, Singareni Collieries Mining Sirdars and Overmen Association, Bellampalli and the Singareni Collieries Officers Association, Ramakrishnapur) have chosen to appear in response to the notices. It is however relevant to note that the cause of the Overmen and Sirdars was also espoused by the Workmen in their claims statement, as already noted above. This

issue was considered and decided by the Labour Minister, under demand No. 22. It can be seen from the decision there in that the Mining Sirdars are to be in the scale of Rs. 205—337 and those that are appointed after 14-8-1967 are put in the scale of Rs. 180—337, as against the demand of the scale of Rs. 245—440. It is similarly noted that the Overmen are given a start of Rs. 285—00 as against the demand of Rs. 305—575. The Senior Overmen are said to have been placed in the scale of Rs. 305—575 as against the claim of the scale of Rs. 405—730. It is noted by the Labour Minister that in view of the fact that Bipartite negotiations committee is currently reviewing wage structure, the matter may be referred to that Committee. It may straightaway be said that the two workers Unions which are espousing the cause of the Sirdars and Overmen have not taken any objection with regard to this issue as decided by the Minister. The concerned Overmen Association has not come forward with any objection. It is however relevant to note that the Tandur Coal Mines Labour Union, one of the four Unions which is a signatory to the Joint Memo for passing an award in terms of the Minister's decision has filed objections for passing an award in terms of the Settlement on the ground that on demands 1, 2, 3, 5 and 6 (as referred by the Minister in his decision), certain clarifications are required and that with regard to Demands No. 40 and 55, the matter is left open for mutual discussions and though inspite of discussions taking place no agreement was reached, and that for want of agreement on these two issues the award would be an incomplete one. These objections were opposed both by the Management and the other Unions. The objections were considered by the Tribunal and by its Order dated 28th August, 1974 it was held that the so called clarifications with regard to Demand Nos. 1, 2, 3, 5 and 6 are not at all needed and that for want of clarifications the passing of award in terms of the Settlement cannot be withheld provided that the terms of the Settlement are held to be fair and reasonable. As Demand Nos. 40 and 55 were left to be decided by mutual discussion, as per the decision of the Labour Minister, the Tribunal held that there cannot be a complete award in the absence of any agreement on those two issues. Thus one month's time was granted to the parties to mutually discuss the matter and to reach an agreement, and in the event of failure, the parties were directed to proceed with the enquiry for adjudication on the two demands. Thus with regard to Demand Nos. 40 and 55 the Union, which raised the objection, and the Management have entered into a Settlement on 2nd September and filed a Settlement into the Tribunal. No other objections were raised with regard to the demands that were considered by Minister for passing an award in terms thereof.

10. The only point for consideration is that excluding the demands that are covered by I.D. No. 45 of 1971, I.D. No. 70 of 1971 and I.D. No. 74 of 1971, can an award be passed in terms of the decision given by the Minister and also in terms of the agreement reached between the parties with regard to Demand Nos. 40 and 55. It is relevant to note that all these four Unions represent as many as 35,000 workmen. If I may say so there appeared to be some unrest among the workers when there was delay in accepting the decision of the Minister as an Award on account of the Objection raised by one of the Unions as noted above. The representative of the workmen have plainly conceded the unrest, in view of the alleged wage freeze Ordinance that was on the anvil. Be that whatever it may. The Tribunal is mainly concerned with the reasonableness or the fairness of the terms of the settlement. It can be repeated that even the two objections raised by one Union stood compromised and settled. It is equally relevant to note that where the Minister has referred certain matters for future decision by a Bipartite Committee negotiating with regard to the wage structure, it can only be said to be reasonable and just. However with regard to number of categories the Minister has awarded certain increments for higher categories with effect from 15-8-1973. I may mention a few instances where higher categories are given from a prior date. With regard to Coal Cutters Trammers, Haulage Khalasis, Category IV was awarded as against the present category of III. Similarly Pump Khalasis are awarded Category III. It can be repeated that the various demands were considered by the Minister inspite of his taking note of the fact that the intention of the reference was only to cover those categories of workmen in respect of whom there are special conditions obtaining in Andhra Pradesh Coal Fields. Whatever decision on various issues was given was so done keeping in view that a Joint

Bipartite Committee for negotiation for the coal industries is already functioning and that the general problems of categorisation and wage structure would be finalised by the Bipartite Committee. The workmen also appear to be satisfied with the increments for higher categories awarded by the Minister almost as an interim measure pending the finalisation of the wage structure by that Bipartite Committee.

11. It is however relevant to note that though the claims of Sirdars and Overmen are considered by the Minister, the claims of the Surveyors and Welfare Officers does not appear to be a subject matter of his decision. As already noted above in response to a notice issued to that Officers' Association representing two categories of officers, after the above Settlement is filed, it did not choose to appear or press their claims. The Tribunal had to proceed with regard to their claims apart from the Settlement. The contention of the Management is that they are not workmen as they function under a statute and that their duties are supervisory. It can be recalled that earlier the Tribunal had impleaded that Association to the extent of the interest of the Surveyors and the Welfare Officers on the ground that their wage structure and pay scales are considered by the Wage Board. It was strenuously contended by the Management that a Welfare Officer is not a workman within the meaning of Section 2(S) of the I.D. Act. In support of this contention reliance is placed on a ruling of the Andhra Pradesh High Court reported in Jagannadham v. State of A. P. & ORDS. [1958(1) LLJ, Page 202] wherein it is held that a person employed as a Labour Officer in a Jute Mill could not be considered to be a workman. Irrespective of this question whether these two categories of officers are workmen within the meaning of Section 2 (S), on merits I am inclined to hold that there is no justification in their claim for the pay scale of Rs. 600-50-1150. There is however an anomaly in their contention as put forth in the claims Statement. It is their case that proceeding the Wage Board they were in the grade of Rs. 200-25-525. The Wage Board placed them in the grade of Rs. 405-20-605-25-730. According to them in the old grade the increment was Rs. 25.00 but in the new grade the increments upto certain stage is Rs. 20.00. Their further contention is that in the old grade they were getting an increase of Rs. 46.00 inclusive of the Dearness Allowance and statutory bonus. If the same method of calculation in the increase of pay is to be followed i.e. if D.A. and the statutory bonus is included in the higher start they would be getting the same increase though the rate of increment is only Rs. 20.00 upto the stage reaching the basic pay of Rs. 605, whereafter the rate of increment is Rs. 25.00 per annum. The further contention is that while fixing the scale of Rs. 405-730 the Wage Board took into consideration the existing scale of Rs. 95—205 in some other Collieries and not the existing scale of Rs. 200—525 in these Collieries, does not appear to be well founded. Thus a further argument is built up by them that as they are in Rs. 200—525 scale they must be given the scale of Rs. 600—1,150. No positive material is placed in support of this contention that they are entitled to the grade of Rs. 600—1,150. I am also not impressed by the two contentions that are advanced in support of their claim. Thus their fitment into the scale of Rs. 405—730 appears to be justified. The claim for House Upkeep Allowance or Conveyance Allowance, as contended by the Management cannot rightly be the subject matter of the reference. Thus their demand on all the three scores is held to be unjustified.

12. As noted above the Settlement reached by the Workmen in terms of the decision of the Minister can only be said to be fair and reasonable in the circumstances particularly so when there is a Bipartite Committee negotiating for the finalisation of the wage structure or categories in the industry as a whole for the entire country. The dispute with regard to Demand No. 50 (Clay Pill Mazdoors) is the subject matter of I.D. No. 45 of 1971 which is still pending. Excluding that demand or item and the subject matters covered by I.D. No. 70 of 1971 and I.D. No. 74 of 1971, which are part and parcel of demand Nos. 13 and 43, there could be an award in terms of the decision of the Minister which is a comprehensive one. The circumstance would disclose that by accepting that decision there would be harmony and peace in the industry. It is therefore held that excluding the items mentioned above the decision of the Minister as accepted by the parties could as well form the basis of an award.

13. Award is passed accordingly negating the demands of Surveyors and Welfare Officers, and in terms of the decision of the Labour Minister as accepted by the parties excluding demand No. 50 (the subject matter of I.D. 45/71) and excluding the matters covered by I.D. No. 70/71 and I.D. No. 74/71 (partly covered by Demand Nos. 13 and 43 as referred to in the decision of the Minister). A copy of the decision of the Minister be enclosed to this award. A copy of the Settlement reached between the parties with regard to Demand Nos. 40 and 55 be made part of this award.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 4th day of October, 1974.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses examined for Workmen

W. W. 1 I. Surya Rao	W. W. 37 R. Sayulu
W. W. 2 K. Iyiah	W. W. 38 P. Mallaiah
W. W. 3 Mohd. Ankus	W. W. 39 B. Satyam
W. W. 4 P. Damodar	W. W. 40 P. Narasaiah
W. W. 5 V. Achanna	W. W. 41 D. Anandam
W. W. 6 K. Veeram	W. W. 42 G. Rajamallu
W. W. 7 D. Rajam	W. W. 43 M. Kanakayya
W. W. 8 D. Devedanam	W. W. 44 G. Venkaty
W. W. 9 K. Rajam	W. W. 45 J. Rajeru
W. W. 10 E. Lakshmayya	W. W. 46 Rangaraju Narayana
W. W. 11 B. Narasayya	W. W. 47 D. W. Clay burn
W. W. 12 A. Seetaram	W. W. 48 P. Sampat Rao
W. W. 13 J. Narasayya	W. W. 49 Ramkumar
W. W. 14 B. Rayamallu	W. W. 50 P. V. V. S. N. Murty
W. W. 15 A. Oggayya	W. W. 51 H. V. Ramamurty
W. W. 16 K. Ramalinga Raju	W. W. 52 P. Venkatarao
W. W. 17 K. Kanakayya	W. W. 53 K. Lingayya
W. W. 18 U. George	W. W. 54 P. Lakshmana Rao
W. W. 19 Donta Elayya	W. W. 55 Bandi Iyalaiah
W. W. 20 T. Kondaiah	W. W. 56 Noorul Rehman
W. W. 21 V. Mallaiah	W. W. 57 Gulam Mohammed
W. W. 22 D. Mallaiah	W. W. 58 Sirajul Rehman
W. W. 23 S. Mallaiah	W. W. 59 Iyle Narasaiah
W. W. 24 K. Hanumanthu	W. W. 60 M. A. Lateef
W. W. 25 Marathi Jatingarao	W. W. 61 Antohnyswami
W. W. 26 S. Nageswararao	W. W. 62 D. Ruban
W. W. 27 B. Rajam	W. W. 63 M. Sudarshanam
W. W. 28 K. Ramulu	W. W. 64 E. Satyanarayana
W. W. 29 K. Mallaiah	W. W. 65 B. Nelson
W. W. 30 B. Sayulu	W. W. 66 N. George
W. W. 31 K. Kanakaiah	W. W. 67 S. Chander Rao
W. W. 32 D. Durgaiiah	W. W. 68 V. S. Lakshminarayana
W. W. 33 G. Abraham	W. W. 69 R. Narasaiah
W. W. 34 S. Yadagiri	W. W. 70 P. Abraham
W. W. 35 Mirza Ghazali Baig	W. W. 71 D. Satyanarayana
W. W. 36 Ch. Paramanandam	W. W. 72 Poyesuratnan
	W. W. 73 K. Sambamurty
	W. W. 74 Azmatullah Shereef
	W. W. 75 G. V. R. Sarma
	W. W. 76 G. Rajeru
	W. W. 77 B. Mallaiah
	W. W. 78 Mansur Ali
	W. W. 79 S. Lakshmaiah
	W. W. 80 G. Veeraswamy
	W. W. 81 G. Vecraiah
	W. W. 82 M. Veeram
	W. W. 83 P. Rajamallu
	W. W. 84 E. Buchyam
	W. W. 85 N. Rajeru
	W. W. 86 M. Lakshminarayana

W W 87 Yerra Rayamallu
 W W 88 Dasari Kondalah
 W W 89 Datla Chandru
 W W 90 Kumari Seetaram
 W W 91 T Venu
 W W 92 S Uppala
 W W 93 B Sivinigatah
 W W 94 P Anjiah
 W W 95 P Prabhakara Rao
 W W 96 R Anjiah
 W W 97 Muguri Suranna
 W W 98 V Suryanarayana
 W W 99 M Rayamallu
 W W 100 T Venkatanarayanan
 W W 101 P Srinivasa Murthy
 W W 102 U Shivaraj
 W W 103 D D Swamidas
 W W 104 K Y N Iyengar
 W W 105 Ch U B Jaibhanudhi
 W W 106 M Venkateswailu
 W W 107 S Gopal Dubey
 W W 108 Shanket Singh
 W W 109 M Rajamallu
 W W 110 Ch George Victor
 W W 111 R T Babu
 W W 112 T Santhamma
 W W 113 B R Paramanandam
 W W 114 G V S N V Prasad
 W W 115 Ursu Veeraswamy
 W W 116 Caddam Chin Jyoti
 W W 117 Sunka Abbarah
 W W 118 Kodi Rajani
 W W 119 Kollipaka Rayamallu
 W W 120 V R K Shankar Rao
 W W 121 Atli Ramdas
 W W 122 Jantam Mallalah
 W W 123 M Narayana
 W W 124 P Ramarao
 W W 125 F Posham
 W W 126 T Krishna
 W W 127 B Ramaswamy
 W W 128 N Atchiah
 W W 129 Miss Y Veeramina
 W W 130 Miss Krupa Zachariah
 W W 131 K Nathul
 W W 132 P Seetarah
 W W 133 Ch Bhoja Raju
 W W 134 A D Chinnu Krishna
 W W 135 K Jacob

W W 136 D Bhaskara Rao
 W W 137 Abdul Rehman
 W W 138 M Rajalingam
 W W 139 Mansuri Ali
 W W 140 N Venkataramachari
 W W 141 G Kamal Reddy
 W W 142 P Rayalingu
 W W 143 T L Riju
 W W 144 M Shereef
 W W 145 Ch Narasarah
 W W 146 B Dimal
 W W 147 Yerramallu
 W W 148 Ravulu Venkity
 W W 149 T Jakkulu
 W W 150 Pali Durgalah
 W W 151 T Sundaram
 W W 152 M Venkataswamy
 W W 153 D Devaduttam
 W W 154 Abdulkhayyum
 W W 155 K Veeralah
 W W 156 S Iylalah
 W W 157 Ch Komariah
 W W 158 M Sudarshanani
 W W 159 G Ankoos
 W W 160 B Mallalah
 W W 161 G Rajalingam
 W W 162 Golla Gattu
 W W 163 Ch Ramalingeswariswamy
 W W 164 V Bondyalu
 W W 165 R Rajeswara Rao
 W W 166 Gajula Ramulu
 W W 167 S Viswanatham
 W W 168 Abdul Jibbar
 W W 169 S Ananta Reddy
 W W 170 Ch Srinivas Murthy
 W W 171 T Devaratnam
 W W 172 Mohd Yusuf
 W W 173 P Gopali Rao
 W W 174 Ch William Carric
 W W 175 G Rajam
 W W 176 Ch Rajasekhar
 W W 177 V Durgalah
 W W 178 V Sityanarayana
 W W 179 Ch V Ramu Krishna
 W W 180 Ch Vedamurthy
 W W 181 J Viswanath
 W W 182 G Narasith
 W W 183 Vangara Rajeru

W.W. 184 C. Atogyaswamy
 W W 185 T K Pillai
 W W 186 M Ramachander
 W W 187 K. Venkat Rao
 W.W. 188 A. Henry Babu
 W.W. 189 Asadullah Khan
 W W 190 G. Lakshmaiah
 W W 191 A. Rajamah
 W W 192 T. Narasiah
 W.W. 193 M. Samuel
 W W 194 A. Brahmanandam
 W W 195 D. Venkateswara Rao
 W.W. 196 V. Tata Rao
 W.W. 197 M. Suvanarayana Murty
 W.W. 198 G. Venkateswareddy
 W W 199 Nakka Malliah
 W W. 200 David Raju
 W W 201 Erkalu Bucham
 W W 202 S. Rajalingam
 W W 203 M. V. S. S. N. Murty
 W W 204 B. Venkatraju
 W.W. 205 N. Sambiah
 W W 206 U. Sarmaiah
 W.W. 207 S. Iylatah
 W W 208 B. Iylatah
 W W 209 K. Devaratnam
 W W 210 P. V. Ramaniah
 W.W. 211 V. Manikvala Rao
 W.W. 212 M. A. Jabbar
 W W 213 M. Madhusudanachari
 W W 214 S. Satyanarayana
 W W 215 Veer. Rajanandan
 W.W. 216 G. Janardhan
 W W 217 Ch. Samayan
 W.W. 218 Chemku Lingaiah
 W W 219 Inpa Malliah
 W W 220 Dasa Rajam
 W W 221 Karnala Venkati
 W W 222 Manthina Posham
 W W 223 Gurala Rajam
 W W. 224 Bandhanu Chandriah
 W W. 225 Uruguna Posham
 W W 226 Kadam Narsiah
 W W. 227 Bathulu Ramulu
 W.W. 228 Charla Komariah
 W W 229 Bathulu Buniiah
 W.W. 230 J. Mohan Reddy

W W 231 Akula Venkatswamy
 W W 232 Dasari Malla Reddy
 W W 233 Chikkal Ramulu
 W.W. 234 Serukonda Rajan
 W.W. 235 Maluru Komariah
 W.W. 236 Godari Rajam
 W W. 237 Tungala Bumaiah
 W W. 238 Nilam Malliah
 W W 239 Mohd. Ali
 W W. 240 P. Basaviah
 W.W. 241 B. Krishna
 W.W. 242 K. Sundar
 W.W. 243 Masa Ramulu
 W W. 244 R. Govindu
 W.W. 245 K. Posham
 W W. 246 G. Kedari
 W W. 247 G. Mallesh
 W.W. 248 V. Solomon
 W W. 249 Pininti Rajreddy
 W.W. 250 Madagu Lingaiah
 W W. 251 Tibla Rajam
 W W 252 Dulam Shanker
 W W 253 Barthareddy Pappaiah
 W W. 254 Mukriyala Darmaiah
 W.W. 255 A. M. Pariksha
 W.W. 256 K. Mondiah
 W.W. 257 Meda Acharyulu
 W W 258 B. Rajamah
 W.W. 259 Y. Satyanarayana Raju
 W.W. 260 A. T. Mathai
 W W 261 J. Pulliah
 W W 262 Singu Rajnarsu
 W W 263 Pulli Lingaiah
 W W 264 J. Ranjitham
 W W 265 Mohd. Jamaluddin
 W.W. 266 Khader Mohiddin
 W W. 267 Ch. Srirangam
 W.W. 268 G. Venkatswamy

Witnesses Examined for Management.

NIL.

Documents Exhibited for Workmen :

Ex W. 1 Copy of the Representation dated Nil made by Sri S. Nageswara Rao, Centric boy to the manager, VK 7 Incline for the promotion of Chainman.

Ex W. 2 Appointment Order of D. Anandam as Tube Incharge dated 6-10-1961 issued by the Management. Singareni Collieries Company Limited.

- Ex W 3 Memo D/27 6 1962 issued by the Manager, 5 Incline to Mr Anandam as he did not submit the weekly tub report
- Ex W 4 Appointment Order dated 21 12-1965 of H V Ramamurthy as Wireman
- Ex W 5 Certificate dated 7-6-1958 issued by the Manager, 5 Incline to Sri K Sambamurthy
- Ex W 6 Certificate dated 16 11-1959 issued by the Power Station Engineer to Mr Azmatullah Sherief
- Ex W 7 Appointment Order dated 31-7-1966 issued by General Manager Singareni Collieries Company Limited, Kothagudem to G V R Sarma as Moulder
- Ex W 8 Authorisation dated 20-11-1967 of competent persons as Acting Fitter issued by the Manager, Singareni Collieries Company Limited, Yellandu Colliery to Sri Mansur Ali
- Ex W 9 Weighing account dated 29 11-1970 of coal noted by E Mutyam(WW 84)
- Ex W 10 Order of appointment dated 6 10 1966 as Lamp Cabin Trunee issued by the Manager, GdK No 2 Incline to Sri Puppala Prabhakara Rao
- Ex W 11 Authorisation issued by the Management on 6-11-1966 as Lamp Cabin Trunee at No 2 Incline GdK to Sri Prabhakararao
- Ex W 12 Promotion Order dated 6-11-1961 issued by the Management to M Rayamallu as Lamp room Fitter
- Ex W 13 Circular of Singareni Collieries Company Limited, dated 30 9-1968 in respect of Checks at pits and Departments
- Ex W 14 Circular of the Singareni Collieries Company Limited dated 30-8-1967 in respect of Internal Audit
- Ex W 15 Circular of the Company dated 31-3-1970 in respect of internal Audit
- Ex W 16 Circular of the Company dated 5 7 1968 in respect of implementation of Central Wage Board recommendations for the Assistant Head Clerks, Pit Office Assistants, Accountants and Stenographers
- Ex W 17 copy of the certificate of registration issued by the Madras Nurses and Midwives Council to Miss Undati Shantamma on 15 2 1943
- Ex W 18 Copy of the certificate of registration for midwife issued by the Madras Nurses and Midwives Council to Miss Undety Shanthamma on 15-2-1943
- Ex W 19 Copy of the Vernacular Grade certificate issued by the Christian Medical Association of India to Undati Shantamma on 6-11-1941
- Ex W 20 Copy of the Vernacular Trained Midwife's Certificate issued by the Government of Madras to Undety Shantamma on 15 5-1942
- Ex W 21 Copy of the appointment order of Sri G V S N V Prasad as Laboratory Technician issued by the General Manager Singareni Collieries Company Limited, Kothagudem on 11 11-1963
- Ex W 22 Copy of the Certificate of Laboratory Technician issued by the Guntur Medical College to G V S N V Prasad
- Ex W 23 Memo dated 9 2-1960 issued by the Principal of Guntur Medical College to Sri G V S N V Prasad to undergo Laboratory Technician course for a period of two years
- Ex W 24 Promotion orders dated 5 6 1961 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to Sri V R K Shankar Rao, Compounder to the grade of 70 5-110 EB-6-134
- Ex W 25 Instructions issued by the Assistant Foreman, Sand Gathering Station, Ramagundam on 15-12-65 to Sri Azizullah and other five Fitters of Sand Gathering Station, Gaddelamadugu to look after the routine maintenance and repairs of scrapers, Belts, pantoon etc
- Ex W 26 Marked portion of advertisement of Core Drillers in Hindustan Copper Limited, Vinukonda, Guntur District advertised in Indian Express dated 7 4 1972
- Ex W 27 Blank proforma of weekly report of Singareni Collieries Company Limited signed by Sri S K Srinivasan dated 11 4 1972
- Ex W 28 Copy of the Award dated 30 7-1968 of Sri Salim Merchant, Arbitrator Bombay in respect of workmen and Employers of Singareni Collieries Company Limited Kothagudem
- Ex W 29 Instructions dated 13 8-1971 issued by the Asstt. Engineer (C) Singareni Collieries Company Limited Kothagudem to Sri M Ramachander, Pipe Fitting Mazdoor Building Department to go in Lorry No APH/898 along with other Mazdoors, for loading 37 5 H P Pump from No 9 Incline and unload the same at No 5 Incline
- Ex W 30 Water analysis log book for the period from 8 10 1967 to 10 6-1968
- Ex W 31 Water analysis log book for the period 17 2 69 to 27-5-1969
- Ex W 32 Copy of the Statement showing the work load of Mr A Brahmanandam, Typist, GDK No 1 incline
- Ex W 33 Copy of the Statement showing the payments made in Godavari Khan No 1 Incline, Ramagundam Division-I
- Ex W 34 Copy of the performance report of grade II pay sheet clerks, GDK No 1 Incline, Ramagundam Division-I
- Ex W 35 Copy of the information of Pit Stores GDK No 1 Incline Divisional Stores, Ramagundam Divisions I & II Explosives, Magazines and Manway clerks of Ramagundam Division No 7
- Ex W 36 Copy of the Statement showing the issues of explosives during June July and August, 1972 in Ramagundam Division I
- Ex W 37 Copy of the statement showing the duties of pit clerks in general
- Ex W 38 Copy of the statement showing the output average sales realisation expenditure on Welfare works and profit of Ramagundam Divisions I & II for the period from April to June 1972
- Ex W 39 Copy of the statement showing the men on roll in GDK No 1 Incline
- Ex W 40 Copy of the Appointment Order dated 17-11 1962 issued by the General Manager Singareni Collieries Company Limited, to Sri M Satyanarayana Murty as Assistant Electrician
- Ex W 41 Register showing the technical report

Ex. W. 42 Copy of the promotion orders dated 5/7-12-1964 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to Sri N. Sambaiah as Electrical charge hand.

Ex. W. 43 Copy of the Promotion Orders dated 5/7-12-1964 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to Sri F. Irudianathan as Electrical charge band.

Ex. W. 44 Charge sheet dated 9-1-1972 issued by the Manager, No. 2 Incline, Bellampalli Division to Sri Janjerla Mallalah.

Ex. W. 45 Appointment Order dated 7/10-7-1961 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to Sri T. Mathai as Loading Inspector.

Documents Exhibited for Employers :

Ex. M. 1 Booklet showing the report of examination of Buffer, Drawbar etc. containing 104 pages.

INDUSTRIAL TRIBUNAL.

ANNEXURE NO. I

SUMMARY OF THE DEMAND

(A) Time Rated Categories :

Sl. No.	Items	New Category	Grade.
1.	Coal Cutters	V	..
2.	Trammers	IV	..
3.	Set Riders/Clipper, etc.	V	..
4.	Haulage Khalasis	IV & V	..
5.	Plate Layers		
	(Existing-III)	IV	..
	(Ex. IV, V, VI & VII)	V	..
6.	Timberman & Steel Prop Mazdoors.	IV	..
7.	Pump Drivers	III & IV	..
8.	Fan Drivers	III	..
9.	Chainmen (Survey Dept mazdoors only)	Grade 'E'	Rs. 165-4-205-5-230
10.	Tyndals (W/shop, Power house & Stores Mazdoors)	IV	..
11.	Lorry Drivers	VI	..
12.	Cablemen	IV	..
13.	Tub Repairing incharge (Tub Checker/Tub Receiver).	Grade 'C'	Rs. 245-10-305-15-440
14.	Masons (Existing V & VI)	V	
	(Existing VII & VIII)	VI	
	(Existing IX)	Grade 'B'	Rs. 305-15-395-20-575
15.	Tradesmen (Existing IV, V, & VI)	V	
	(Existing VII & VIII)	VI	
	(Existing IX)	Grade 'B'	Rs. 305-15-395-20-575
16.	Fitter Helpers	III & IV	(IV after 4 years service)
17.	Hammermen	IV	
18.	Belt Picking Mazdoors	II	

(B) Piece Rated :

19.	Fillers.		
	(a) Piece Rate (Existing rate Rs. 6.19)		7.50 for 2 tubs of 36 cft. and increased on prorata basis, depending on the size of the tub.
	(b) Fallback wage	Daily Review	
	(c) Guarantee of tubs.	2 tubs of 36 cft.	
20.	Coal Cutters (Existing Piece Rate)	Piece Rate equal to new category V.	

1	2	3	4
(C) Monthly Rated :			
21. Clerical :			
(a) Grade III			Rs. 205-6-265-8-305.
(b) Grade II			Rs. 235-8-315-12-375.
(c) Grade I			Rs. 280-12-376-16-440
(d) Spl. Grade			Rs. 350-16-430-20-570
Head Clerks			
Senior Store Keeper			
(c) Chemist, Plt Asst. Jr. Accountant Timber Officer G.A. to G.M. Confidential Asst. to G.M. & Accountant.	Grade 'A'		Rs. 405-20-605-25-730.
22. Mining :			
(a) Senior Overmen	Grade 'A'		Rs. 405-20-605-25-730.
(b) Overmen Grade I, II & III	Grade 'A'		Rs. 405-20-605-25-730.
(c) Overmen Grade IV	Grade 'B'		Rs. 305-15-395-20-575.
(d) Mining Sirdars & Underlookers	Grade 'C'		Rs. 245-10-305-15-440.
(e) Shot Firers	Grade 'D'		Rs. 205-7-247-10-337.
(f) Pit Munshi	Grade 'D'		Rs. 205-7-247-10-337.
23. Car Drivers	Grade 'C'		Rs. 245-10-305-15-440.
24. Winding Engine Drivers	Grade 'C'		Rs. 245-10-305-15-440.
25. MEDICAL & HEALTH DEPARTMENT :			
(a) Nurses	Grade 'B'		Rs. 305-15-395-20-575.
(b) Pro-nurses	Grade 'B'		Rs. 205-15-395-20-575.
(c) Compounders	Grade 'B'		Rs. 305-15-395-20-575.
(d) -do-	Grade 'C'		Rs. 245-10-305-15-440.
(e) -do-	Grade 'E'		Rs. 180-5-210-7-273.
(f) Nursing & Theatre Orderlies (Ward boys & Ayahs)	Grade 'E'		Rs. 180-5-210-7-273.
26. Survey Dept. Tracers	Grade 'C'		Rs. 245-10-305-15-440.
27. Canteen :			
(a) Supervisors			Rs. 280-12-376-16-440.
(b) Cooks	Grade 'E'		Rs. 180-5-210-7-273.
(c) Grinders/Tea Makers/Vendors	Grade 'G'		Rs. 146-3-176-4-184.
28. Watchmen	Grade 'G'		Rs. 146-3-176-4-184.
29. Literate Watchman			Rs. 205-6-265-8-305.
30. Peons	Grade 'G'		Rs. 146-3-176-4-184.
Head Peon	Grade 'F'		Rs. 165-4-205-5-230.
(D) Categories of Workmen Not Covered by the Wage Board.			
31. Timber Muccadams	V		
32. Plough Operators	V		
33. Trimming Muccadams	Grade 'D'		Rs. 205-7-247-10-337.
34. Blowing & Roof Bolting Mazdoors	V		
35. Joy Loader & Shuttle Car Operators			Rs. 12.00-0.60-18 00
36. Aerial Ropeway :			
(a) Scraper Drivers	V		
(b) Pontoon Operators	V		
(c) Bucket Pusher	III		

1	2	3	4
37. Shaft Sinking :			New Recruitment
			Category & Promoted to new Categories III, IV & ultimately to VI.
38. Tractor Loader Drivers			12.00/0.60/18.00
39. Tub Manufacturing			
(Existing III, IV & V)		V	
(Existing VI & VII)		VI	
40. General Mechanic		VI	
41. I.T.I. Candidates			
(Existing IV & V)		V	
(Existing VI & VII)		VI	
42. Trade Apprentices :			
(Existing VI & V)		V	
(Existing VI & VII)		VI	
43. Ash Mazdoors		III	
44. Lancashire Boiler Firemen		V	
45. Coal Mazdoors		III	
46. Auxiliary Turbine Attendants		IV	
47. Prospecting Dept.			
(a) Mazdoors		IV	
(b) Muccadams		V	
48. Building Department :			
(a) Road Gang Mazdoors		Grade 'H'	Rs. 140-3-170-4-178.
(b) Muccadams		Grade 'F'	Rs. 165-4-205-5-230.
(c) S.R.R. Drivers		Grade 'C'	Rs. 245-10-305-15-440.
(d) Mixer Operator		IV	
(e) Lorry Mazdoors		IV	
49. Boiler Firemen		Grade 'C'	Rs. 245-10-305-15-440.
50. Switch Board Attendants		Grade 'C'	Rs. 245-10-305-15-440.
51. Evaporating Plant & Base Exchange Water Softening Plant Attendants		Grade 'D'	Rs. 205-7-247-10-337.
52. Sanitary Muccadams		Grade III	Rs. 205-6-265-8-305.
53. Area Muccadams		Grade III	Rs. 205-6-265-8-305.
54. Cartmen :			
(a) Sanitary	}	I	
(b) Coal Transport			
(c) Prospecting Dept.			
55. Power House :			
(a) Boiler Attendants		Grade 'B'	Rs. 305-15-395-20-575.
(b) Asst. Boiler Attendants		Grade 'C'	Rs. 245-10-305-15-440.
(c) Turbine Drivers		Grade 'C'	Rs. 245-10-305-15-440.
(d) Chemists/Laboratory Chemists		Grade 'A'	Rs. 405-20-605-25-730.
56. Engineering Dept. :			
(a) Overseers/Progress Inspector/Draughtsman Electrical/Supervisor (Master Tradesmen)		Grade 'A'	Rs. 405-20-605-25-730.
(b) Foreman/Sub-overseers Chargehands/Asst. Progress Inspector/Sr. Motor Mechanic/ Refrigerator Mechanic/ Cable Joiner & Machine Mining of Mechanic.		Grade 'B'	Rs. 305-15-395-20-575.
(c) Master Tradesmen		Grade 'B'	Rs. 305-15-395-20-575.
(d) Checkers & Maisteries		Grade 'C'	Rs. 245-10-305-15-440.

1	2	3	4
57. Medical & Health:			
(a) Lab Technician & X-ray Asst.	Grade 'B'		Rs. 305-15-595-20-575
(b) Pharmacist	Grade 'A'		Rs. 405-20-605-25-730
(c) Nursing Tutor	Grade 'A'		Rs. 405-20-605-25-730
(d) Dietician	Grade 'A'		Rs. 405-20-605-25-730
(e) Sanitary Inspector	Grade 'B'		Rs. 305-15-395-20-575
(f) sanitary Inspector & Health Sub. Inspector.	Grade 'C'		Rs. 245-10-305-15-440
(g) Vaccinators	Grade 'D'		Rs. 205-7-247-10-337
(h) Tailor	Grade 'D'		Rs. 205-7-247-10-337
(i) Dhobi	Grade 'H'		Rs. 140-3-170-4-178
58. Prospecting Department			
(a) Head Drillers	Grade 'B'		Rs. 305-15-395-20-575
(b) Drillers	Grade 'C'		Rs. 245-10-305-15-440
59. Service & Protection Corps			
(a) Inspector	Grade 'A'		Rs. 405-20-605-25-730
(b) —do—	Grade 'B'		Rs. 305-15-395-20-575
(c) —do—	Grade 'C'		Rs. 245-10-305-15-440
60. C.S.P.			
(a) Weigh bridge Mazdoor & Wagon Shunters	III		
(b) Bunker Mazdoor & Trolley Drivers	III		
(c) Muccadams	IV		
61. Duplicating Machine Operator	Grade 'F'		Rs. 165-4-205-5-230.
62. Ferro-printer	Grade 'F'		Rs. 165-4-205-5-230.
63. E. Incentive Scheme			
64. F. Method of Calculation			
65. G. General.			

Industrial Tribunal

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL
(CENTRAL), HYDERABAD

Ref:—I.D. No. 30 of 1967.

BETWEEN

The workmen of the Singareni Collieries Company
Limited represented by various Unions, viz.—

- (a) The Singareni Collieries Workers' Union; and
(b) The Tandur Coal Mines Labour
Union. WORKMEN

AND

The Management of the Singareni Collieries
Company Limited, Kothagudem MANAGEMENT

Without prejudice to the respective contentions of the parties as submitted in their statements and evidence adduced so far by the workmen before this Hon'ble Tribunal, the parties to the dispute submit as follows :—

The Unions having sought the intervention of the Union Labour Minister for a decision in all matters covered by

this Dispute (i.e., I.D. 30/67), as also certain other demands made by the workmen, the Union Labour Minister convened a meeting of all parties on 11th and 12th April, 1973 at New Delhi to discuss all these matters with a view to finding speedy solutions. An effort was made to sort out these demands followed by detailed discussions before the Officials of the Central Government Conciliation Machinery and also before the Joint Secretary, Ministry of Labour and Employment, Government of India. As a result of all these deliberations, the parties have agreed on 12th October, 1973 before the Joint Secretary, Ministry of Labour that the decisions given by the Union Labour Minister on all the outstanding matters would be binding on them and that the issues will not be re-agitated. The parties have also further agreed that in the light of the decisions given by the Union Labour Minister, the parties would file compromise statements before the Hon'ble Tribunal. The decision of the Union Labour Minister dt. 11-2-1974 has been communicated to all the parties, a copy of which is herewith submitted.

PRAYER

In view of the understanding reached earlier to abide by the decision of the Union Labour Minister and the understanding between the parties that the decisions of the Union Labour Minister cover all claims made by the various Unions in their claims Statements in I.D. 30/67 stand withdrawn and that all applications filed under Section 33A relating to I.D. 30/67 are also deemed to have been settled

and stand withdrawn, we are filing the true copy of the decision of the Union Labour Minister, Sri K. V. Raghunatha Reddy and pray to pass an Award accordingly.

And for this, the parties shall, as in duty bound, ever pray.

Signatures of Parties

For the Management	For the S.C. workers' Union	For the T.C.M.L. Union
Sd/-	Sd/-	Sd/-
(M.K.V. Subbaiah)	(M. Komaralah)	(S. Nagaiah Reddy)
Dy. General Manager	General Secy.	President
Sd/-	Sd/-	Sd/-
(V. Gopala Sastry)	(V. Rajeswara Rao)	(A. Suryanarayana)
Asst. Personal Officer	Joint Secy.	Vice-President
Sd/-		Sd/-
(P. Papa Rao)		(S. K. Srinivasan)
Divl. Personal Officer,		General Secy.
Ramagundam		
Sd/-		Sd/-
(P. Krishnaji)		(Ch. Venkateswar Rao)
Divl. Personnel Officer,		Secy.
Belampalli		Ramagundam Br.

BEFORE

Sd/-
(M. R. Raju)

Regional Labour Commissioner (C),
Hyderabad, Camp : Kothagudum
Sd/-
(T. C. Garg)

Asst. Labour Commissioner (C),
Hyderabad, Camp : Kothagudum

Kothagudum Collieries,
Dated 20th March, 1974.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL (CENTRAL), HYDERABAD.

Ref :—I.D. No. 30 of 1967.

BETWEEN

The Workmen of the Singareni Collieries
Company Limited represented by the
Andhra Pradesh Singareni Collieries
Mazdoor Sangh. ...WORKMEN.

AND

The Management of the Singareni Collieries
Company Limited, Kothagudem ..MANAGEMENT.

Without prejudice to the respective contentions of the Parties as submitted in their statements and evidence adduced so far by the workmen before this Hon'ble Tribunal, the parties to the dispute submit as follows.—

The Union having sought the intervention of the Union Labour Minister for a decision in all matters covered by this Dispute (i.e. I.D. 30/1967), as also certain other demands made by the workmen, the Union Labour Minister convened a meeting of all parties on 11th and 12th April, 1973 at New Delhi to discuss all these matters with a view to finding speedy solutions. An effort was made to sort out these demands followed by detailed discussions before the Officials of the Central Government Conciliation Machinery and also before the Joint Secretary, Minister of Labour and Employment, Government of India. As a result of all these deliberations, the parties have agreed on 12th October, 1973 before the Joint Secretary, Ministry of Labour that the decisions given by the Union Labour Minister

on all the outstanding matters would be binding on them and that the issues will not be reagitated. The parties have also further agreed that in the light of the decisions given by the Union Labour Minister, the parties would file compromise statements before the Hon'ble Tribunal. The decision of the Union Labour Minister dt. 11-2-1974 has been communicated to all the parties, a copy of which is herewith submitted.

PRAYER

In view of the understanding reached earlier to abide by the decision of the Union Labour Minister and the understanding between the parties that the decisions of the Union Labour Minister cover all claims made by the various Unions in their Claim Statements in I.D. 30/67 stand withdrawn and that all applications filed under Section 33A relating to I.D. 30 of 67 are also deemed to have been settled and stand withdrawn, we are filing the true copy of the decisions of the Union Labour Minister Sri K. V. Raghunatha Reddy and pray to pass an Award accordingly.

And for this, the parties shall, as in duty bound, ever pray.

Signatures of Parties

For Management	For Workmen.
Sd/-	-/PS
(M. K. V. Subbaiah)	(K. Narasimha Murthy)
Dy. General Manager.	General Secretary,
Sd/-	
(V. Gopal Sastry)	Andhra Pradesh Singareni
Asstt. Personal Officer.	Colliery Mazdoor Sangh.

BEFORE

Sd/-
(M. R. Raju)

Regional Labour Commissioner (C),
Hyderabad, Camp : Kothagudum.

Sd/-

(T. C. Garg)

Asstt. Labour Commissioner (C),
Hyderabad, Camp : Kothagudum.

Kothagudum Collieries.

Dated : 20th March, 1974.

ARBITRATION AWARD GIVEN BY SHRI K. V. RAGHUNATHA REDDY, UNION LABOUR MINISTER, IN THE DISPUTE BETWEEN THE MANAGEMENT OF SINGARENI COLLIERIES COMPANY LIMITED AND THEIR WORKMEN

1. By their order dated 30th October, 1967, the Central Government in the Department of Labour and Employment had referred for adjudication to the Industrial Tribunal at Hyderabad the following dispute between the management

of the Singareni Collieries Company Limited and their workmen :

"Subject to the views expressed and recommendations made by the Central Wage Board for Coal Mining Industry and agreement between the management of the Singareni Collieries Company Ltd. and their Trade Unions referred to, in paras 3 to 6 of Chapter IX of the Wage Board's Report, what further modifications and changes in the categorisation and wage structure recommended by the said Wage Board for West Bengal and Bihar coalfields are necessary to make the said categorisation and wage structure applicable to the workmen for Singareni Collieries Company Ltd., having regard to the special conditions obtaining in the Andhra Pradesh Coalfields."

2. This dispute, taken on file by the Industrial Tribunal Hyderabad as ID-30 of 1967, is still pending. In view of the very long time taken for the disposal of this dispute by the Industrial Tribunal and as the Unions were wanting an early decision in all matters covered by this dispute as also certain other demands made by the workmen including the mining staff of the Singareni Collieries Company Ltd., a meeting was convened by me on the 11th and 12th April, 1973 at New Delhi to discuss all these matters with a view to finding speedy solutions to the outstanding items. The concerned Unions as well as the representatives of the management were present at these meetings. The summary record of the discussion of these meetings was also duly circulated to the various parties concerned. Subsequently, detailed discussions on these outstanding matters were held by the R.L.C. Hyderabad, Deputy C.L.C. (Shri P. C. Rai), Deputy C.L.C. (Shri T. T. Tayade), the Chief Labour Commissioner (Central) and the Joint Secretary in the Department with the parties to understand their points of view on the various items. I also had detailed discussions with the parties at Hyderabad on the 20th October, 1973. In the light of all these, I give below my decisions on the various matters. These decisions are given by me in the light of the understanding reached on the 11th and 12th April, 1973 at which the parties agreed to abide by my decision on all those matters where agreement between the parties was not possible.

3. The parties also have subsequently agreed, on the 12th October, 1973 before the Joint Secretary of this Department that the decisions given by me on all outstanding matters would be binding on them and that issues will not be re-agitated. The parties agreed that I may also give decisions on other matters which may be pending adjudication before the Industrial Tribunal or in writ petitions in the High Court of Andhra Pradesh and that my decisions on these matters also will be binding on the parties. The parties further agreed that in the light of my decisions, the parties would file compromise statements before the Tribunal in respect of the relevant industrial disputes, and will take similar action to withdraw writ petitions wherever they have been filed. The parties also agreed that my decision would be implemented from the date of such decision, if no date of implementation is specifically stipulated by me in respect of any demand. It was also agreed that the decisions already arrived at the meetings held on 11th and 12th April, 1973 at New Delhi which are still remaining to be implemented either partially or fully would be implemented in full by the management.

4. It may be seen that the terms of reference of I. D. 30 of 1967 are fairly wide. I also see from the claim statements preferred by the various Unions in this industrial dispute that they have sought the re-categorisation and revision in wage structure of almost the entire category of employees in the Singareni Collieries Co. Ltd., though the intention of the reference was to restrict the reference only to those categories of workmen in respect of whom there are special conditions obtained in the Andhra Pradesh coalfields. In this connection, I also take note of the fact that a Joint Bipartite Committee for negotiations for the coal industry is already functioning and general problems of categorisation and wage structure would ultimately be discussed and finalised by this Bipartite Committee. In view of this, I would, at this stage, be reluctant to make any drastic changes in the categorisation or wage structure of various categories of workmen employed in Andhra Pradesh coalfields excepting where I consider any such changes to be a compelling necessity in the interests of industrial peace and better production.

5. At the same time, I feel that it is necessary to remove certain long-standing grievances in regard to categorisation and the implementation of the Wage Board scales, etc., so that a climate of understanding and good labour-management relations is created. Only thus will we be able to promote production in this vital industry.

6. The management of the Singareni Collieries have also introduced different types of incentive schemes for several categories of workmen and these have been in operation for some time. The management also propose to extend the scope of these incentive schemes, to unify them and to evolve revised incentive scheme to cover as large a proportion of the workers in the mines as possible. I find that the management have worked out some proposals in this direction. These revised schemes, I understand, are still not brought into force pending discussions with the unions. I have no doubt that the workers will respond to the proposals in a spirit of cooperation and will ensure ever increasing levels of production in the larger interests of the Country, as well as their own and the industry's. This is also a matter which I have kept in view in giving my decisions on the various outstanding matters.

7. I give below my decisions on the various demands of the Unions.

DECISIONS ON THE VARIOUS DEMANDS

Demand No. 1—Coal Cutters: The Unions have demanded that Coal Cutters should be placed in Category V instead of Category IV, on the ground that Coal Cutters in Bengal and Bihar who were in the pre-Wage Board Category IV, were given new Category IV by the Wage Board, and as such Coal Cutters in Singareni Collieries who were in pre-Wage Board Categories of between VI and VII should get at least new Category V. Considering that the Coal Cutters in Singareni work in teams of 4, each one of them performing in addition to the job of driller, the work of dresser, explosives carrier and drill mazdoor also, and keeping in view the fact that their performance and production are admittedly better than their counter-parts in Bengal and Bihar, I find considerable force in this argument. The Unions also contended that they would not press for recategorisation in case they were required to do the same work as Coal Cutters in Bihar and Bengal. This, in fact, would not only entail more expenditure by way of increasing the number of persons in the team, but will also have an adverse impact on production and productivity. Keeping all the factors in view, I recommend that the Coal Cutters in Singareni be placed in Category V with effect from 15-8-1973. This arrangement, however, will be subject to any general revision that may be agreed to by the parties in the light of the recommendations in this regard, by the Bipartite Joint Negotiating Committee on Coal which is currently looking into various matters.

Demand No. 2—Trammers: The demand of the Unions is that all trammers be placed uniformly in Category IV on the ground that even those trammers who are at present placed in Category III are performing, in addition to the work of pushing the tubs, certain additional work such as that of cilmens/pointsmen/couplers/signallers, etc. and that trammers doing similar types of work in Bengal and Bihar Collieries are placed in Category IV. The management, however, has denied that trammers in Category III are doing the same nature of work they were earlier required to do. The Unions also contended that in case they are to be in Category III only, they should be required to do only the duties laid down for trammers as defined at item 18 (p-46 Vol. II) of the Wage Board report. I find there is force in the contention. As such, I recommend that the trammers in Singareni Collieries, wherever they are required to or are doing other items of work also in addition to the job of a trammer, should be placed in Category IV with effect from 15-8-1973.

Demand No. 3—Haulage Khalasis: The Unions have demanded that irrespective of the capacity of the haulers, all haulage khalasis be placed in category IV as all of them are operating haulers of various H.P.s. I find that the Wage Board had prescribed three categories for these workmen. Category III for those working on haulers below 75 H.P., Category IV for those working on 75 to 125 H.P. and Category V for those working on haulers of 125 H.P. or more. There is no dispute regarding those working on 125 H.P. or more, who are rightly placed in Category V. As regards

those working on haulers of less than 125 H.P., some of them have been placed in new Category III and some in new Category IV. In view of the fact that those placed in both these categories are inter-changeable and there are no fixed haulers allotted to them, I consider the Unions' demand justified. All the haulage khalasis who are presently in Category III should be given category IV with effect from 15-8-1973.

Demand No. 4—Plate Layers (Linemen): The Unions have asked for upgrading the Category of Plate Layers from Category III to Category IV. I find that Plate Layers work as a team and all of them attend on all the rails irrespective of weightage. While I am not in favour of changing the categorisation, I would recommend that those who have reached the maximum of category III, may be allowed an ad hoc payment of 10 paise per day of work with effect from 15-8-1973.

Demand No. 5—Timbermen: The Unions' demand is that Timber Mazdoors be placed in Category IV instead of their present Category III. I find that this is a team work in which both the Timber Mistry and the Timber Mazdoors work in a team, a feature of work which is said to be peculiar to the Singareni Collieries. The job of the timbermen is not only arduous, but involves considerable danger. In fact, the safety of the working places depends on the work of these timbermen. Keeping this in view, I would recommend that the timbermen who are presently in category III may be given category IV with effect from 15-8-1973.

Demand No. 6—Pump Khalasis: The Unions have demanded that Pump Drivers should be placed in Category III or higher in underground and they should be given one Category higher if they work more than one pump. I find that the categorisation of pump khalasis has been dealt with in Appendix V of Volume II of the Wage Board Report. I understand that a mistake has crept in the printed copy of the Wage Board Report and the Ministry have in their letter No. WB-16/2/70 dated 23-5-70 issued certain corrections. I recommend that rectification of defects should be immediately done in the light of the corrections suggested by this Ministry in their letter and remedial action taken. In regard to classification of pump khalasis, I recommend that those working underground should be placed in Category III with effect from 15-8-1973.

Demand No. 7—Fan Drivers: This demand has already been settled and no action is called for.

Demand No. 8—Chainmen/Centre Muccadams: This demand has not been pressed by the Unions.

Demand No. 9—Lorry Drivers: The Unions have demanded that they should be placed in new Category VI instead of Category V on the ground that in NCDC similar categories of persons are in receipt of higher emoluments. This matter has been verified through the Regional Labour Commissioners (C), Dhanbad and Jabalpur, and I understand that weekly paid drivers in NCDC have also been fixed in Category V and that neither the number of trips nor the precise work load has been fixed. I, therefore, do not consider that there is any justification in the demand for higher category.

Demand No. 10.—Tub-Repairing Incharge.—This demand was not pressed by the Unions.

Demand No. 11—Masons.—The Unions have demanded that masons who were in old Category VIII should be fixed in Category VI on the basis of Categorisation adopted for tradesmen. I find that this matter has also been covered by the Sub-committee of the Wage Board. I see no justification for this demand.

Demand No. 12—Mason Mazdoors.—This demand has not been pressed by the Unions.

Demand No. 13—Tradesmen.—The Unions have demanded that tradesmen employed in the Workshop be placed in a Category not less than V. I see that the Sub-committee has considered various categories of tradesmen, craftsmen and artisans and has mentioned that the workers will have no claim to reopen these issues on the basis that a particular category would get a higher category on the basis adopted

for allotment of new categories in Bengal and Bihar. In view of this, I see no justification for this demand.

Demand No. 14—Fitter Helpers.—The Unions have demanded that fitter helpers who are in category II should be placed in Category IV on the ground that these fitter helpers have been working for the last 10 to 20 years and that they are denied any promotion opportunities because of the practice recently adopted by the management of appointing only U.T.I. Certificate holders to the post of Fitters. While I do not agree to the demand of the Unions, I recommend that a certain proportion of posts of fitters may be earmarked for being filled by promotion from the ranks of fitter-helpers having service of 15 years or more, and subject to passing the prescribed trade test.

Demand No. 15—Belt Picking Mazdoors.—The Unions have demanded that these workmen should be placed in Category II. Prior to the Wage Board, they were in Category I and as per Wage Board's recommendations, they have been correctly placed in Category I. I see no justification for this demand.

Demand No. 16—Wagon shunting and weigh bridge mazdoors.—The Unions have demanded Category III for these workers as against Category II in which they have been placed. I see that these persons have been correctly placed in Category II as recommended by the Wage Board and there is, therefore no justification for this demand.

Demand 17—Conveyor/Khalasis.—The Unions have demanded that these workmen who are presently placed in Category III should be given a higher category in view of the fact that in addition to driving the conveyors, they also remove the fallen coal from the belt and keep the place clean. The latter job is that of a mazdoor and I understand that in the Bengal and Bihar Collieries this job is entrusted to a separate mazdoor while the conveyor khalasi does only the driving. I recommend, therefore, that the conveyor khalasis in Singareni be placed in Category IV. Alternatively, the management may consider adopting the practice that exists in Bengal and Bihar Collieries, of having separate mazdoors for this work.

Demand No. 18—Cablemen—Machine Mining Helpers.—The Unions have demanded that they should be placed in Category IV instead of Category III. I see that this Category has also been covered by the report of the Sub-committee of the Wage Board and they have been rightly placed in Category III. There is, therefore, no justification for this demand.

Demand No. 19—Lamp Room Attendant.—This demand was not pressed by the Unions.

Demand No. 20 (a)—Increase in tub rates of fillers.—The Unions have demanded pro rata increase in the tub rate on the ground that some of the tubs are more than 45 cft in size. At the request of the Union, this matter was specially got investigated by the Joint Director, Mines Safety, Hyderabad. He has reported that the average tub is 45 cft. in capacity and the volume of coal loaded in the tubs would on an average be less than 45 cft. In view of this, there is no merit in this demand.

(b) Review of fall back wages.

(c) Guarantee of tubs to the fillers.—The Unions have demanded that fall back wages should be reviewed daily instead of weekly. They also demanded guarantee of tubs every day to the fillers as they are the only category who are on piece-rated basis, in the Singareni Collieries. I have carefully considered this matter. While the management are prepared to guarantee the supply of one tub for every filler during the first round and thereafter supplied tubs depending upon the availability only, the workmen have demanded a guaranteed supply of 2 tubs per filler. As a guarantee for additional tubs would involve the willing cooperation of the workers connected with the operation of supplying tubs I appreciate that it may not be possible for the management to guarantee two tubs per day per filler. However, they should be in a position to ensure the supply of at least 20 tubs in each shift to a gang of 16 workmen. The attempt

however, should be to supply 24 tubs per shift. Alternatively, in case the management is unable to ensure the supply of 20 tubs per shift per gang, the wages of the workmen shall be reviewed daily for purposes of the fall back wages.

(d) Underground allowance to the Coal Fillers.—The demand here is that the underground allowance is not being treated as basic wage for the purpose of paying attendance bonus. I feel that this is a matter which may be taken up before the Bipartite Negotiating Committee.

(e) Payment of lead and lift to the fillers.—The Unions have demanded that lead and lift earnings should be treated as basic earnings for all purposes. I suggest that this matter may be referred to the Joint Negotiating Committee.

(f) Annual increments to Fillers.—As these are piece-rated workers and as piece-rated workers are not on an incremental scale, there is no substance in this demand. The Bipartite Negotiating Committee may, however, consider whether any time scale should be evolved for such categories of workers.

Demand 21(a)—Assistant Head Clerks and Stenographers.—The Unions have contended that the Assistant Head Clerks and Stenographers who were in the pre-Wage Board scale of Rs. 115-200 had been wrongly fixed in the scale Rs. 245-385/400 instead of the scale Rs. 305-505 recommended by the Wage Board for special grade clerks. I find that clerks who were in the pre-Wage Board scale of Rs. 78-134, were fixed as per the Wage Board Recommendations in the scale of Rs. 245-385. I also find that the management had treated those who were in the scale of Rs. 115-200 as equivalent to special grade clerks in their memorandum to the Wage Board. In view of this, I consider that the Assistant Head Clerks and Stenographers should have been rightly fixed in the scale of Rs. 305-505. Re-fixation in the scale of Rs. 305-505 should be done with effect from 15-8-1967 although payment on this basis should be made only with effect from 15-8-1973. While I do not recommend the payment of any arrears on account of re-fixation for the period from 15-8-1967 to 15-8-1973, I suggest the payment of a lump sum of Rs. 200 to each person.

(b) Head Clerks.—The Head Clerks who were in the pre-Wage Board scale of Rs. 150-275 were placed in the Wage Board scale of Rs. 305-505. In view of my recommendation in respect of Assistant Head Clerks, the scale of Head Clerks should be revised to Rs. 305-575, i.e. the scale given to pit-head Assistants. In this case also while the fitment should be with effect from 15-8-1967, monetary benefits should accrue only from 15-8-1973.

Demand No. 22—Grant of higher scale of pay to the mining staff.—The Unions have demanded that Shotfirers should be placed in the scale of Rs. 205-337, mining sirdars in the scale of Rs. 245-440, overmen in the scale of Rs. 305-575 and senior overmen in the scale of Rs. 405-780. I see that the Shotfirers have been correctly placed in the grade fixed by the Wage Board. As regards Mining Sirdars I see that according to the Memorandum of Settlement, before the CLC(C) in October 1969, Mining Sirdars in service as on 14-8-1967 have been placed in the scale of Rs. 205-337 and those appointed after that date in the scale of Rs. 180-337. As regards Overmen, the management have given them higher start of Rs. 285 keeping in view the higher start allowed to such categories in certain other major collieries. Senior Overmen have been placed in the scale of Rs. 305-575 as prescribed by the Wage Board. In these circumstances, and in view of the fact that the Bipartite Negotiating Committee is currently reviewing the wage structure, I recommend that this matter may be referred to that Committee.

Demand No. 23—Overtime to mining staff.—During the discussions on the 11th and 12th April 1973, it was felt that work beyond 8 hours cannot be avoided in respect of the staff and that it will be worthwhile assessing average extra time taken by them and to consider in what manner these workmen should be compensated for this extra work. The management and the Union were requested to negotiate the whole issue mutually. Discussions held between the parties appear to have not resulted in any understanding. This problem is not peculiar to Singareni Collieries and I understand from the DGMS that excepting in one colliery, there is no system of payment of overtime to such categories of employ-

ees. While there may be some justification for compensating such categories of staff for the additional work beyond normal hours they may be required to put in, I leave this matter for being decided by the Bipartite Negotiating Committee.

Demand No. 24—No lay-off to Shotfirers.—The Unions' contention is that Shotfirers who are monthly rated employees should not be laid-off, as other monthly rated employees are not being laid-off in the event of a strike by other workmen in the Collieries. While I agree that the right to lay-off any category of workmen lies with the management, I also find that in the Collieries at Kothagudum and Yellandu, the Shotfirers are not laid-off, but are shown on alternative jobs. In the interest of uniformity, I recommend that the same practice as exists in the Kothagudum and Yellandu Collieries in this regard, should be adopted in Belampalli and Ramagundam Collieries also.

Demand No. 25—Acting Allowance to monthly paid employees.—Under the rules of the Company, acting allowance is admissible only when the period exceeds 30 days in respect of monthly rated workers. While there is some merit in the demand of the Unions that this minimum period of 30 days creates hardship in so far as monthly rated employees may not always proceed on leave for period exceeding 30 days, this is a matter which is of general applicability to the entire industry and, therefore, I would leave this matter to be decided by the Bipartite Negotiating Committee.

Demand No. 26—Car Drivers.—This demand is, more or less, on the same lines as Demand No. 9 above, and, therefore, no separate decision is necessary on this.

Demand No. 27—Winding Engine Driver.—This demand was not pressed by the Unions.

Demand No. 28—Higher scale of pay to junior nurses.—The Union has demanded that the junior trained nurses be given the same scale of pay of Rs. 245-440 as given to qualified mid-wives. I see that the Wage Board has prescribed a scale of pay of Rs. 205-337 for the junior trained nurses. This is a matter which can be taken up for consideration by the Bipartite Negotiating Committee. However, considering that there is some merit in the demand, I would recommend an ad hoc payment of Rs. 15 per month with effect from 15-8-1973 for the junior nurses.

Demand No. 29—Probationary Nurses.—The Unions have demanded that probationary nurses must be in the scale of Rs. 205-337 as given to junior trained nurses on the ground that they have been performing identical duties. According to the management, these persons, though they have been in the service for the last 10-15 years, have not been able to acquire the requisite qualifications and hence they have been correctly fixed in the scale of Rs. 180-273 prescribed for unqualified nurses by the Wage Board. I understand that these probationary nurses, by virtue of their experience, have been doing the same type of work as junior trained nurses and there are only five in this category. While I do not want to modify the scales prescribed for these categories by the Wage Board, I consider that some relief is called for in their case and, therefore, award an ad hoc allowance of Rs. 15 per month to these probationary nurses with effect from 15-8-1973.

Demand No. 30—Nursing and Theatre Orderlies.

Demand No. 31—Survey Mazdoors.

Demand No. 32—Canteen Supervisors.

Demand No. 33—Cooks.

Demand No. 34—Grinders, Tea Makers and Vendors.

The above five demands (from 30 to 34) have been dropped by the Unions.

Demand No. 35(a) Watchmen.—The Union has demanded that all watchmen should be placed in the scale of Rs. 146-184 instead of Rs. 140-178. I understand that there is no separate category of night watchmen and all watchmen are employed on night duty by rotation in their various shifts.

In view of this I recommend that the watchmen should be fixed in the grade of Rs 146-184 with effect from 15-8-1973.

(b) Literate Watchmen.—The Union has demanded that literate watchmen should be placed in the scale of Rs. 180-265. The management contend that these literate watchmen are neither required to maintain a register nor do they possess the requisite qualifications to be eligible for the grade of Rs. 180-265. They are, however, paid an allowance of Rs. 10 per month as they are required to make a few entries. In view of this no additional relief is called for.

Demand No. 36—Peons and Head Peons.—This demand was not pressed by the Unions.

Demand No. 37—Fitment increment in Wage Board scale in line with N.C.D.C

The Unions have demanded that time-rated workers be allowed one additional increment with effect from 15-8-1969 on an ad hoc basis on the ground that similar increment was allowed to time-rated workers in N.C.D.C. While implementing the Wage Board scales with effect from 15-8-1967 the emoluments as on 1-10-1966 were taken into account and the next increment was given on 15-8-68 and not on 1-10-1967 as they were justly entitled to. When the Union raised a dispute in 1969 it was agreed to ascertain the practice adopted in this regard by the N.C.D.C. TISCO and Bengal Coal Co. and it has been found that in the TISCO Collieries annual increments were given on 1-10-1967 and 1-10-1968. It was further agreed by the management and the Unions to follow the N.C.D.C. practice and to further discuss the matter in case the N.C.D.C.'s practice varied in future. Subsequently the NCDC granted one additional increment to its time-rated workmen with effect from 15-8-1969. I have carefully examined this matter and I find that this matter has also been the subject of discussions and conciliation proceedings as well as settlements in the past and I, therefore, recommend the grant of an increment to all the time-rated workmen who were in service on 1-10-1966. Keeping in view the additional expenditure that it may involve, I recommend that while the increment may be calculated with effect from 15-8-1969, monetary effect may be given only from 15-8-1973.

Demand No. 38—VDA to monthly paid staff.—The Union has demanded that Variable Dearness Allowance should be paid to monthly rated staff on the basis of 30 days as against the practice of paying VDA for 26 days. Here again the unions have pointed out that in NCDC Collieries, monthly paid staff are paid VDA on the basis of 30 days. I have carefully examined this matter and as this is a matter of industry wide application, I recommend that it may be taken up in the Joint Bipartite Negotiating Committee.

Demand No. 39—5-Hour shift for Main Workshop staff on holidays.—I see that this problem is confined to the Kothangudium Division of Singareni Collieries Co. Ltd. Wherein Workshop staff were enjoying the facility of 5-Hour shift, on full wages on festival holidays. This practice was later changed by the management after a notice under Section 9-A of the Industrial Disputes Act. In my view, the facility should be restored or if in the interest of uniformity, it is decided to continue with the 8-hour shift, then, these workmen may be paid wages for 1/2 shifts, as is done in the case of workmen in the mines. This may be given effect to from 1-1-1974.

Demand No. 40.—Tyndals.—The Union have demanded that all Tyndals be placed in Category IV since some of them have been placed in Category II. I understand that, as a result of conciliation settlement, certain posts of Category IV had been created in certain areas like workshops, power houses etc. but not in certain other department. In view of this I recommend that in this category also, a certain proportion of posts to be settled by mutual discussion between the management and unions may be raised to Category IV.

Demand No. 41—Machine Mining Mechanics & Chargehands.—The Unions have demanded that machine mining mechanics be placed in the scale of Rs. 305-375 as given to

Head Fitters. The management have, in my view, rightly fixed them in the scale of Rs. 245-440 as they have treated other similar technical categories.

As regards Chargehands, I see that they have been given a higher start in the scale of Rs. 245-440 in pursuance of a Memorandum of Settlement in October 1969 before the Chief Labour Commissioner (C). It is also seen that at the time of this settlement, a similar demand was not raised in respect of machine mining mechanics. Under these circumstances, there is no justification for the demand.

Demand No.42—Higher scale of pay to Electrical Supervisors.—The Union has demanded the scale of Rs. 405-730 as against the scale of Rs. 245-440 with a higher start of Rs. 285 in which they have been fixed. The Management has pointed out that Electrical Engineers who are degree holders have been appointed in the grade of Rs. 300-700. A higher grade for Electrical Supervisors who are only certificate holders cannot be justified. I am inclined to agree with the view of the management. In view of this, no relief is called for.

Demand No. 43—Welders, Mechanics and Armature Winders.—The Unions have demanded that they should be paid not less than Category V wages. I find that as regards Armature Winders, the matter was decided in favour of the Workmen by the Tribunal and that the Management have gone in writ petition to the High Court against the Award. In this particular case the Management should abide by the decision of the Industrial Tribunal and withdraw the writ petition. In respect of other categories the management may review the position in the light of the principles laid down by the Tribunal and take appropriate action as per the Tribunal's decision in the case of Armature Winders.

Demand No. 44—Service increments to Lamp Room In-charges.—I see that this matter which was referred to the Tribunal for adjudication has been disposed of by the Tribunal in terms of a consent Award based on a settlement of September, 1969. As regards the demand of the Union for service increment, I recommend that increments may be calculated on the scale of Rs. 245-385 with effect from 15-8-1967 though monetary effect to this would be given only from 15-8-1969.

Demand No. 45—Stone Cleaning Mazdoors.—This demand was not pressed by the Unions.

Demand No. 46—Higher start of pay to graduate clerks.—I understand that in this matter, Industrial Tribunal has given an Award recently. The Award may be implemented.

Demand No. 47—Ferro Printer.—It is seen that one peon has been asked to do the work for which he is paid an extra allowance of Rs. 5 per month on the ground that there is no full-time work for appointing a person to this post. I consider that this extra allowance Rs. 5 per month should be increased to Rs. 10 with effect from 15-8-1973.

Demand No. 48—Guest House Employees.—The management have not been allowing sick leave and national holidays to the Guest House Employees on the plea that they are not employed in the mine. I consider that such employees should not be denied the benefit of sick leave in case of genuine sickness and the national holidays. Accordingly I grant them relief on both these counts.

Demand No. 49—Non-implementation of sick leave and Paid holiday musters to Badli workers.—I consider that if a regular worker in whose place a badli worker is employed is not paid holiday wages because he is not present on any day of the week in which the paid festival holiday occurs, the management should pay holiday wages to the badli workers even though are not employed in the permanent vacancies. As regards the grant of sick leave to badli workers such leave should be given to badli workers who have been on the rolls for more than one year.

Demand No. 50—Clay Pill Mazdoors.—I understand that this dispute is pending adjudication before an Industrial Tribunal. I also see that in respect of a similar dispute earlier raised by one of the Unions, 47 clay pill mazdoors were at

sorbed on Company's rolls as Category I employees by virtue of a compromise settlement before the Tribunal. Similar action should be taken in respect of the other clay pill mazdoors also. The management is, however, free to determine the number of such mazdoors whom they would absorb as Category I employees on their rolls keeping in view their actual requirements.

Demand No. 51—Seven Paid Holidays.—The Unions have demanded that for paid holidays occurring during the strike periods, wages should be paid. Such a demand would, if conceded, amount to payment of Wages for a portion of the strike period. I also understand that practice in the coal-fields is that holidays wages are paid to the workers provided they are present on work either on preceding or succeeding days. In view of this, I see no merit in this demand.

Demand No. 52—Play day allowance.—I have carefully considered this matter and I see no justification for the demand. As regards lamp room incharges, they are placed in Grade I of the clerical staff and as clerical staff are not eligible for play day allowance, discontinuance of such allowance from the time they have been placed in Grade I is not unjustified. As the play day allowance is regulated by a settlement, no revision of this allowance appears to be called for.

Demand No. 53—Laboratory Technician X-Ray Assistant.—The demand that all these persons be placed in Grade Rs. 245-440 does not appear to have any justification. However, as I find that persons in the old grade of Rs. 48-100 have been allowed new scale of Rs. 205-337, all such persons in the above categories should also be allowed the same scale of Rs. 205-337 instead of Rs. 180-273. They may be fixed in the new scale as proposed above with effect from 15-8-1967 but monetary benefits be given only from 15-8-1973.

Demand No. 54—Checkers.—This demand was not pressed by the Union.

Demand No. 55—Boiler Attendant.—The parties have agreed to discuss this mutually and come to a settlement on this and therefore I am not passing any orders in this case.

Demand No. 56—Switch Board Attendants.—The Unions demanded that they should be given the grade of Rs. 245-440. Considering that Switch Board Attendants were in pre-Wage Board categories of VII and VIII, I recommend that these Switch Board Attendants should be placed in Category V.

Demand No. 57—Turbine Drivers.—The Unions have demanded that they should be placed in grade Rs. 245-440, I see that Turbine Drivers who were formerly in the grade of Rs. 48-100 have been placed in corresponding grade of Rs. 205-337. I also find that in respect of one auxiliary Turbine Attendant, there was also a conciliation settlement in which he was placed in the grade of Rs. 205-337. In view of this, there is no justification for granting higher grades to Turbine Drivers.

Demand No. 58—Tractor Drivers and Shovel Operators.—These persons who were in old Category VIII and on par with car and lorry drivers (see item 9 above) have been correctly placed in the new Category V. There is no justification for higher categorisation.

Demand No. 59—Roof Bolting Mazdoors.—The Unions have demanded that they should be placed in Category IV instead of Category III. I see that the Sub-committee of the Wage Board have recommended that they be allowed new Category III. I also understand that in bipartite settlement of June 1972, it has been agreed to pay them an allowance of 50 paise per day on trial basis from 1-7-1972.

Demand No. 60—Tool Room Attendants.—The Unions have demanded that these workmen must be placed in the clerical grade. Whether these persons are required to do store issuing work or other clerical work or not may be determined on the basis of spot verification by the Regional Labour Commissioner, Hyderabad and on the basis of his report, the issue may be decided in mutual discussions between the management and the Unions.

Demand No. 61—Band Saw Cutter and Log Saw Cutter.—I see that this demand has been rejected by the Industrial Tribunal in its award in I.D. 21 of 1971. In view of this, no relief is called for.

Demand No. 62—Free supply of coffee.—As this was the facility that was in vogue years ago when there was no tea stall near the colliery and as this is a very trivial demand I do not consider any relief is called for.

Demand No. 63—Free supply of Sarees, uniforms and boots.—As a separate Committee appointed by the Government has examined this matter and the report of the Committee is under consideration of the Government now, the decision of Government may be awaited. As regards supply of boots, I understand that this is being done free of cost.

Demand No. 64—Jungle Allowance and Bhatta.—I understand that this matter which is covered by conciliation settlement is sought to be re-opened by the Unions. The Unions want to revert to old basis, prior to the settlement, of payment of half the basic wages as bhatta and one day's basic pay as jungle allowance. As the entire pattern of wages is under negotiation before the Bipartite Negotiating Committee I would recommend to the Unions to adhere to the terms of the conciliation settlement and have this matter negotiated in the bipartite committee in the light of the new wage structure that may be evolved.

Demand No. 65—Junior Chargehands.—The Unions have demanded that Junior Chargehands be placed in the grade of Rs. 245-400 instead of their present grade of Rs. 205-337. The management have pointed out that the chargehands have been given the scale of Rs. 245-440 with higher start on a basis of settlement and hence the demand for Junior Chargehands to be paid the same scale is not justified. I also understand that a separate dispute on this had been raised and the Tribunal had rejected the contention; the Union appears to have filed a Writ Petition against this award. The union should withdraw the Writ Petition and go by the Tribunal Award.

Demand No. 66—Duplicating Machine Operators.—The Unions demand scale of Rs. 180-265. It is learnt that a Peon in the scale of Rs. 140-178 is given an extra allowance of Rs. 5/- for this work. However, as has been suggested in the case of Ferro Operators (Demand No. 47) the extra allowance of Rs. 5/- may be raised to Rs. 10/- with effect from 15-8-1973.

Demand No. 67—Bunker Mazdoor.—I understand that the demand for placing them in Category III instead of Category I has been turned down by the Tribunal as the work done by them is of unskilled nature and, therefore, I see no merit in this demand.

Demand No. 68—CSP Muccadams.—The Unions have demanded Category IV for these workers on the ground that they had to supervise the work of Category II Mazdoors. But I find that prior to the Wage Board they have been in Category III and they have now been placed in Category II, according to the Wage Board recommendations. The matter may be discussed before the Bipartite Committee for a decision.

Demand No. 69—Senior Compounders.—The Unions demand that they be placed in the scale of Rs. 245-440 but I find that the Wage Board recommendations do not have the category of Senior Compounders; the Wage Board has recommended only Rs. 205-337 for qualified compounders. In view of this I recommend that Senior Compounders may be given an ad hoc payment of Rs. 15 per month with effect from 15-8-1973.

Demand No. 70—Automatic promotion to higher grade after 12-15 years of service.—This involves promotion policy and may be discussed in the Joint Negotiating Committee.

Demand No. 71—Despatch Clerk and Comptometer Operator.—The Unions have demanded that these persons must be placed in the scale of Rs. 245-440 instead of Rs. 205-337. As these persons were formerly in the grade of Rs. 48-100, they have been correctly placed in the new grade of Rs. 205-337. Therefore, there is no merit in this demand. However, I would like the management to consider whether,

Keeping in view the promotion opportunities etc., a certain percentage of posts can be reserved for being appointed in Grade I.

Demand No. 72—Steno-Typists.—The Unions have demanded that they be placed in the scale of Rs. 280—440. I understand that these persons were earlier in the scale of Rs. 48—100 and have been correctly placed in corresponding grade of Rs. 205—337 and that in addition to the scale they are being paid steno allowance of Rs. 25 per month. In view of this, I do not consider any revision is called for.

Demand No. 73—Stenographers.—The Unions have demanded the scale of Rs 305—505. Prior to the Wage Board Recommendations they were in grade of Rs. 70—158 and have been correctly placed in the corresponding scale of Rs. 245—385. In addition, they are also being paid Rs. 25 per month as stenographic allowance. In view of this, I see no justification in the demand.

Demand No. 74—Assistant to Shotfirers.—At the meeting held on the 11th and 12th April, 1973 both the parties agreed to have this mutually discussed and sorted out. However, it appears that no progress has been made in the talks so far held. I understand that Shotfirers employed in the NCDC in Dhanbad and Jabalpur regions have been provided with the Assistants to carry explosives etc. and they are known as Explosives Carriers and placed in Category II. A similar arrangement may be worked out in Singareni also through mutual discussions.

Demand No. 75—Employment of 37 Piece-rated Female Mazdoors of Belainpalli as Category I employees.—The Unions have demanded that these be placed by the management in Category I on time-rated basis. The management have contended that the work was made available to them but as they have not been doing the required workload, they have been paid wages for the work done by them and they want full-back wages. As regards employment in Category I on daily rated basis, the management contend that they have no vacancies in which these female workers can be employed. On compassionate grounds, I consider that they deserve some sympathy and I therefore recommend to the management to take them on their rolls as Category I employees as early as possible and, in any event, before 31-3-1974 and assign them appropriate work.

Demand No. 76—Calculating Machine Operators, Joy Loaders, and Shuttle Car Drivers—Machine Mining Operators.—The Unions demand that they should be placed in the daily rate of Rs. 12—18 as in N.C.D.C. However, I find that this scale is admissible to the excavation workers in NCDC in open mines. I also see that this is covered by the Report of the Sub-Committee of the Wage Board. As they have already been placed in new Category VI, I see no justification for any revision.

Demand No. 77—Ash Mazdoors.—The Unions demand that Ash Mazdoors should be placed in Category III as against Category I recommended by the Wage Board. I also understand that in a conciliation settlement of January, 1970 certain ash mazdoors were allowed Category II as personal to them and that they would be utilised on any other jobs also. They had also agreed that ash mazdoors would continue to get payment in Category I. In view of this I see no merit in this demand.

Demand No. 78.—Chemists.—The Unions have demanded grade of Rs. 305—575 for Asstt. Chemists. I see that Chemists were in the old grade of Rs. 125—300 and were placed in the grade of Rs. 305—575 and the Asstt. Chemists in the grade of Rs. 115—200 were placed in the scale of Rs. 245—440. I also understand that this category is not covered by the Wage Board. In view of this, and as these persons have received benefit of more than 10 per cent over their existing emoluments, I see no justification in this demand.

Demand No. 79—Pharmacists.—The Unions demanded that Pharmacists appointed after 15-8-1967 should also be given the grade of Rs. 245—440. I see the Wage Board recommended only one scale of Rs. 205—337 for the Phar-

macists and that new entrants have been placed in the scale. In view of this, there is no merit in this demand.

Demand No. 80—Nursing Tutor.—The Unions have demanded that the Nursing Tutors should be given the Grade of Rs. 305—575. This category which was in the old grade of Rs. 115—200 has been placed in the new grade of Rs. 245—440 as has been done in the case of other employees also in the same old grade. In view of this, I see no justification in this demand.

Demand No. 81—Payment of Fees for renewal of certificates and providing alternative jobs to mining staff.—This is a general question and is currently under the consideration of the Government.

Demand No. 82—Four advance increments to monthly paid staff.—This demand is based on the sanction of four advance increments to Overman, Mining Sirdars and Chargehands. The sanction of advance increments to certain categories of mining staff was the outcome of similar benefits granted to such staff in certain other major collieries and this cannot be the ground or justification for a demand in respect of all monthly paid staff. The issue may, however, be placed before the Joint Negotiating Committee for consideration on industry wide basis.

Demand No. 83—I.T.I. Tradesmen.—The Wage Board Recommendations in this regard shall be accepted and categorisation decided accordingly.

Demand No. 84—Auxiliary Tubine Attendants.—The Unions have demanded that they should be placed in Category IV. These workmen were in old Category V and they have been now placed in new Category III and the persons promoted to these posts after implementation of the Wage Board Recommendations have also been placed in Category III. I, therefore, see no justification in this demand for placing them in Category IV.

In the end, I would once again stress the need for mutual understanding and cooperation between the management and the workmen, so as to ensure higher and higher levels of production. They should meet frequently to discuss issues of common interest and to settle any differences that may arise. While it shall be the management's endeavour to treat the workers as partners in production and create a congenial work environment and service conditions, it shall be the duty of the trade unions to promote among the workmen a productivity consciousness, and a sense of commitment to the industry. I sincerely hope that this award will help create the conditions for achieving higher productivity and promoting an atmosphere of industrial peace in this vital industry.

Sd/-

K. V. RAGHUNATHA REDDY, Presiding Officer

11-2-1974,

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL

(CENTRAL) AT HYDERABAD.

Industrial Dispute No. 30 of 1967

BETWEEN

The Tandur Coal Mines Labour Union, Kothagudum Collieries P.O. ... Petitioner

AND

The Management, Singareni Collieries Co. Ltd., P. O. Kothagudum Collieries. ... Respondent.

The Hon'ble Industrial Tribunal by its Order dated 20th August 1974 gave one month's time to the Parties to mutually discuss and report their agreement on Demand Nos. 40 and 55 listed in the Award of Shri K. V. Raghunatha Reddy, Hon'ble Union Minister for Labour.

2. In pursuance with the Order of the Hon'ble Tribunal, discussions were held between the Management of the Singareni Collieries Co. Ltd., and its workmen represented by the Tandur Coal Mines Labour Union on 30th and 31st August and 1st and 2nd September, 1974 when the following amicable settlement was arrived at.

3. Demand No. 40—Tyndals.—The following is the extract from the Award of Shri Raghunatha Reddy on this demand:—

"I understand that as a result of conciliation settlement, certain posts in Category IV have been agreed to in certain areas like Workshops, Power House etc., but not in certain other Departments. In view of this, I recommend that in this Category also, a certain proportion of posts to be settled by mutual discussion between the Management and the Unions may be raised to Category IV."

Although the Hon'ble Labour Minister stated that the proportionate increase in Category IV posts of Tyndals should be in Departments where certain posts were not already created under the agreement, the requirements of the Departments were reviewed at the request of the Tandur Coal Mines Labour Union.

(a) Based on the discussions held in pursuance of the Hon'ble Tribunal's Order, the Management have agreed to increase the number of posts of Tyndals by 86 in the Surface Departments of various Divisions. It is agreed that the distribution will be made by the Management in the different Departments i.e.,

(i) Kothagudium.—Main Workshop, Power House, V. K. Workshop, Main Stores, Building and Water Supply Departments.

(ii) Belampalli.—Workshop, Power House, Main Stores and Building Department.

(iii) Ramagundam.—Power House and Workshop.

(b) The required number as agreed to above between the parties will be selected on the basis of suitability for the job from among the mazdoors in Old Category III under the Mazumdar Award.

(c) The selection of Tyndals from the Mazdoors will be made by the respective Area General Managers keeping in view the seniority-cum-merit and suitability and their decision in respect of those Departments shall be final. The selection will be made within a period of one month from the date of passing the Award.

(d) The Mazdoors who are selected as Tyndals as above will be placed in new Category IV with effect from 15th August, 1974.

4. Demand No. 55—Boiler Attendants.—The Joint Wage Negotiating Committee for the Coal Industry is examining the grades to be allotted to Boiler Attendants and Asst. Boiler Attendants and their recommendations are awaited. As was agreed to before the Hon'ble Union Labour Minister that the issue will be discussed mutually and come to a settlement, the dispute relating to this demand was resolved by Memo. of Settlements dated 21st November 1973 and 20th December 1973.

(a) However at the request of the Union it has been agreed to place the following two Boiler Firemen in Category IV as Asst. Boiler Attendants in the grade of Rs. 205—337 with effect from 1-11-1973.

(1) Shri S. S. John, B' Power House, Kothagudium.

(2) Shri Gandham Rajaiah, 'H' Power House, Kothagudium.

(b) Similarly, the following 4 Boiler Firemen now in Category IV in Belampalli Power House will also be placed in the grade of Rs. 205—337 as Asst. Boiler Attendants with effect from 1-6-1974 :—

(1) Sri Matcha Mallaiah, Power House, Belampalli.

(2) " Gundu Ramadu, —do— —do—

(3) „ Q. Vincent, —do— —do—

(4) „ Aknoori Odeloo, —do— —do—

5. The above understanding is in full and final settlement of Demand Nos. 40 and 55 referred to in the Award of the Hon'ble Union Minister for Labour.

6. It is, therefore, prayed that an Award may be passed in I.D. 30 of 1967 as urged in the Petition dated 20th March 1974 jointly filed by the Unions and the Management.

FOR WORKMEN :

Sd/-

1. S. Nagaiah Reddy, President, T.C.M.L. Union.

Sd/-

2. S. K. Srinivasan, General Secy., T.C.M.L. Union.

FOR MANAGEMENT :

Sd/-

1. M. K. V. Subbaiah, Area G.M., S.C. Co. Ltd.

Sd/-

2. N. Bhaskarachary, Chief Industrial Relations & Personnel Officer, S.C. Co. Ltd.

Dated 2nd September 1974,

Kothagudium Collieries.

K. V. RAGHUNATHA REDDY, Union Labour Minister

11-2-1974.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL (CENTRAL), AT HYDERABAD

Industrial Dispute No. 30 of 1967

BETWEEN

The Singareni Collieries Workers' Union, Kothagudium Collieries P.O. Petitioner,

AND

The Management, Singareni Collieries Company Limited, P.O. Kothagudium Collieries. Respondent.

The Hon'ble Industrial Tribunal by its Order, dated 20th August, 1974 gave one month's time to the parties to mutually discuss and report their agreement on Demands Nos. 40 and 55 listed in the Award of Shri K. V. Raghunatha Reddy, Hon'ble Union Minister for Labour.

2. In pursuance with the Orders of the Hon'ble Tribunal, discussions were held between the Management of the Singareni Collieries Co. Ltd., and its workmen represented by the Singareni Collieries Workers' Union on 30th and 31st August and 1st and 2nd September, 1974 when the following amicable settlement was arrived at:—

3. Demand No. 40—Tyndals.—The following is the extract from the Award of Shri Raghunatha Reddy on this demand:—

I understand that as a result of conciliation settlement, certain posts in Category IV have been agreed to in certain areas like Workshops, Power House etc., but not in certain other Departments. In view of this, I recommend that in this category also, a certain proportion of posts to be settled by mutual discussion between the Management and the Unions may be raised to Category IV."

Although the Hon'ble Labour Minister stated that the proportionate increase in Category IV posts of Tyndals should be in Departments where certain posts were not already created under the agreement, the requirements of the Departments were reviewed at the request of the Singareni Collieries Workers' Union.

(a) Based on the discussions held in pursuance of the Hon'ble Tribunal's Order, the Management have agreed to increase the number of posts of Tyndals by 86 in the Surface Departments of various Divisions. It is agreed that the distribution will be made by the Management in the different Departments i.e.,

(i) Kothagudium.—Main Workshop, Power House, V. K. Workshop, Main Stores, Building and Water Supply Departments.

(ii) Belampalli.—Workshop, Power House, Main Stores and Building Department.

(iii) Ramagundam.—Power House and Workshop.

(b) The required number as agreed to above between the parties will be selected on the basis of suitability for the job from among the Mazdoors in old Category III under Mazumdar Award.

(c) The selection of Tyndals from the Mazdoors will be made by the respective Area General Managers keeping in view the seniority-cum-merit and suitability and their decision in respect of those Departments shall be final. The selection will be made within a period of one month from the date of passing the Award.

(d) The Mazdoors who are selected as Tyndals as above will be placed in new Category IV with effect from 15th August 1974.

4. Demand No. 55—Boiler Attendants.—The Joint Wage Negotiating Committee for the Coal Industry is examining the grades to be allotted to Boilers Attendants and Asst. Boiler Attendants and their recommendations are awaited. As was agreed to before the Hon'ble Union Labour Minister that the issue will be discussed mutually and come to a settlement, the dispute relating to this demand was resolved by Memo. of Settlements dated 21st November, 1973 and 20th December, 1973.

(a) However, at the request of the Union, it has been agreed to place the following two Boiler Firemen in Category IV as Assistant Boiler Attendants in the grade of Rs. 205—337 with effect from 1-11-1973 :—

1. Sri S. S. John, B. Power House, Kothagudium.

2. „ Gandham Rajaiah, —do— —do—

(b) Similarly, the following 4 Boiler Firemen now in Category IV in Belampalli Power House will also be placed in the grade of Rs. 205—337 as Assistant Boiler Attendants with effect from 1-6-1974.

1. Sri Matcha Mallaiah, Power House, Belampalli.

2. „ Gundu Ramadu, —do— —do—

3. „ Q. Vincent, —do— —do—

4. „ Aknoori Odeloo, —do— —do—

5. The above understanding is in full and final settlement of Demands Nos. 40 and 55 referred to in the Award of the Hon'ble Union Minister for Labour.

6. It is therefore prayed that an Award may be passed in I.D. 30 of 1967 as urged in the Petition dated 20-3-1974 jointly filed by the Unions and the Management.

FOR WORKMEN.

Sd/-

1. M. Komaraiah,

General Secretary, S. C. Workers' Union,

Sd/-

2. V. Rajeswara Rao,

Jt. Secy., S. C. Workers' Union.

Sd/-

3. K. Achutan,

Branch Secy., S. C. Workers' Union,
Yellandu.

Sd/-

4. P. Ramuloo,

Central Council Member,

S. C. Workers' Union, Godavari Khant.

FOR MANAGEMENT :

Sd/-

1. M. K. V. Subbaiah,

Area G.M., S. C. Co. Ltd.

Sd/-

2. N. Bhaskarachary,

Chief Industrial Relations & Personnel Officer,

S. C. Co. Ltd.

Dated. 2nd September, 1974,

Kothagudium Collieries.

T. NARASINGH RAO, Presiding Officer.

[No. 7/21/67-LRII]

LAL BAK ZUALA, Dy. Secy.

नर दि १०, ११ नवम्बर, 1974

का० प्र० 3255.—कर्मचारों शिष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार श्री वाई० मिहू को उक्त अधिनियम और स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण बिहार राज्य के लिए निरीक्षक नियुक्त करती है।

[संख्या प्र०-12016(18)/73-पी०एफ० 1]

New Delhi, the 19th November, 1974

S.O. 3255. In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the

Central Government hereby appoints Shri Y. Singh to be an Inspector for the whole of the State of Bihar for the purposes of the said Act, and the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(18)/73 P.F.I.]

नई दिल्ली, 21 नवम्बर, 1974

का० प्रा० 3256.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम 1952 (1952 का 19) की धारा 5-क की उपधारा (1) के खण्ड (ग) के अनुसरण में, केन्द्रीय सरकार श्रम आयुक्त और अपर सचिव, राजस्थान सरकार श्रम विभाग, जयपुर को केन्द्रीय स्थायी बोर्ड के सदस्य के रूप में नियुक्त करती है और भाग्य सरकार के भूत-पूर्व श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार) विभाग की अधिसूचना का० प्रा० संख्या 2112 तारीख 6 जुलाई, 1970 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, क्रम संख्या 21 से 32 तक की क्रम संख्या 22 से 33 तक के रूप में पुनः संख्यांकित किया जाएगा और इस प्रकार पुनः संख्यांकित क्रम संख्या 22 के पूर्व, "राज्य सरकारों के प्रतिनिधि" प्रविष्टि के सामने निम्नलिखित संतः स्थापित किया जाएगा, अर्थात्:—

"21. श्रम आयुक्त और अपर सचिव,

राजस्थान सरकार,

श्रम विभाग,

जयपुर।"

[संख्या 12(5)/69-पी०एफ० 2]

राम प्रसाद नरुला, अवर सचिव

New Delhi, the 21st November, 1974

S.O. 3256.—In pursuance of clause (c) of sub-section (1) of section 5-A of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints the Labour Commissioner and Additional Secretary to the Government of Rajasthan, Labour Department, Jaipur, as a member of the Central Board of Trustees and makes the following further amendments in the notification of the Government of India, in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. No. 2412, dated the 6th July, 1970 namely:—

In the said notification Serial numbers 21 to 32 shall be renumbered as serial numbers 22 to 33 and before serial number 22 as so renumbered, the following shall be inserted against the entry 'Representatives of the State Governments', namely:—

"21. The Labour Commissioner and Additional Secretary to the Government of Rajasthan, Labour Department, Jaipur".

[No. 12(5)/69-PF. II]

R P. NARULA, Under Secy.

नई दिल्ली, 26 नवम्बर, 1974

का० प्रा० 3257.—यसः भारत सरकार के तत्कालीन श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का० प्रा० 1571, तारीख 31 मई, 1963 द्वारा गठित श्रम न्यायालय, उड़ीसा, जिसका मुख्यालय भुवनेश्वर है, के पीठासीन अधिकारी का पर रिक्त हो गया है ?

अतः, श्रम, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री एस० के० मिश्रा को उपर्युक्त रूप में गठित श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[फाइल संख्या एस-11025/37/74-एल०प्रा०-1]

एस० एस० सहास्रनामान, अवर सचिव

New Delhi, the 6th November, 1974

S.O. 3257.—Whereas a vacancy has occurred in the office of the presiding officer of the Labour Court, Orissa, with headquarters at Bhubaneswar, constituted by the notification of the Government of India in the then Ministry of Labour and Employment, No. S.O. 1571, dated the 31st May, 1963;

"Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri S. K. Mishra as presiding officer of the Labour Court constituted as aforesaid.

[F. No. S-11025/37/74-LR. I.]

S. S. SAHASRANAMAN, Under Secy.

मुख्य श्रम आयुक्त (केन्द्रीय) का कार्यालय

आदेश

नई दिल्ली, 30 नवम्बर, 1974

का० प्रा० 3258.—यसः मेसर्स रामा कृष्णा सेगनेसाइट माइन (नियोजक) ने नीचे की अनुसूची में वर्णित अपने स्थापनों के संबंध में 31-12-73 को समाप्त होने वाले लेखा वर्ष के लिए अपने कर्मचारियों की बोनस के संदाय की कालावधि को बढ़ाने के लिए बोनस संदाय अधिनियम, 1965 की धारा 19(ख) के अधीन आवेदन दिया है।

और यतः यह समाधान हो जाने पर कि समय बढ़ाने के लिए पर्याप्त कारण हैं, मैंने भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सं० डब्ल्यू.वी-20(12)/65 तारीख 28 अगस्त, 1965 के साथ पठित उक्त अधिनियम की धारा 19 के खण्ड (ख) के परन्तुक द्वारा सूझे प्रदत्त शक्तियों का प्रयोग करते हुए 12-11-74 को उक्त नियोजक द्वारा उक्त बोनस के संदाय की कालावधि को अधिनियम की धारा 19 के खण्ड (ख) के अधीन बोनस के संदाय की अंतिम तारीख में 3 महीने (अर्थात् 30-11-74 तक) बढ़ाने का आदेश दे दिया है।

अब इसे उक्त स्थापन के नियोजक और सभी कर्मचारियों की सूचना के लिए प्रकाशित किया जाता है।

नियोजक/नियोजको का नाम और पता	व्यवस्थापक
मेसर्स रामाकृष्णा मैग्नेसाइट माइन सी-34 फेयरलैंड्स, सालेम-4	[सं० बीए-16(14)/71-एन० एस०-1] आर० जे० टी० डी० मेल्लो, मुख्य श्रम प्रायुक्त

OFFICE OF THE CHIEF LABOUR COMMISSIONER
(CENTRAL)

ORDER

New Delhi, the 30th November, 1974

S.O. 3258.—Whereas an application has been made under Section 19(b) of the Payment of Bonus Act, 1965 by Messrs. Ramakrishna Magnesite Mine (employer) in relation to their establishments mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31-12-1973.

And whereas being satisfied that there are sufficient reasons to extend the time I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour and Employment No. WB/20(42)/65 dated the 28th August, 1965, passed order on 12-11-1974 extending the period for payment of the said bonus by the said employer by 3 months (i.e. up to 30-11-1974) from the last date for payment of bonus under clause (b) of Section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer(s)	Establishment(s)
M/s. Rama Krishna Magnesite Mine, C-34, Fairlands, Salem-4.	

[BA-16(14)/74 LS. I]

R. J. T. D'MELLO, Chief Labour Commissioner.

पूति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई दिल्ली, 11 नवम्बर, 1974

क्र० प्रा० 3259.—निष्क्रान्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा पुनर्वास विभाग (सेटलमेंट विंग) में बन्दोबस्त अधिकारी के रूप में कार्य कर रहे श्री डी० सी० चेहल, को उक्त अधिनियम के अन्तर्गत या इसके द्वारा निष्क्रान्त सम्पत्ति के सहायक अभिरक्षक को सौंपे गए कार्यों को निष्पादित करने के लिए राजस्थान राज्य के लिए सहायक अभिरक्षक, निष्क्रान्त सम्पत्ति, के रूप में नियुक्त करती है।

[संख्या 11011(2)/प्रशासन सेल/74]

MINISTRY OF SUPPLY & REHABILITATION

(Department of Rehabilitation)

New Delhi, the 11th November, 1974

S.O. 3259.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Rajasthan Shri D. C. Chahal, Settlement Officer in the Department of Rehabilitation (Settlement Wing) as Assistant Custodian of Evacuee Property for the purpose of discharging the duties imposed on such Custodian by or under the said Act.

[No. 11011(2)/Admn. Cell/74]

क्र० प्रा० 3260.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा बन्दोबस्त अधिकारी के रूप में कार्य कर रहे श्री डी० सी० चेहल, को उक्त अधिनियम के अन्तर्गत या इसके द्वारा प्रबन्ध अधिकारी को सौंपे गए कार्यों को निष्पादित करने के लिए राजस्थान राज्य के लिए प्रबन्ध अधिकारी के रूप में नियुक्त करती है।

[संख्या 11011(2)/प्रशासन सेल/74]

डी० एन० असीजा, अधरसचिव

S.O. 3260.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the State of Rajasthan, Shri D. C. Chahal, Settlement Officer as Managing Officer for the purpose of performing the functions assigned to such officers by or under the said Act.

[No. 11011(2)/Admn. Cell/74]

D. N. ASIJA, Under Secy.

